

PARTIES.		ACTION.	COMPLAINANT'S SOLICITOR.	COSTS.		
Central Esoteric Center of U. S.	Cross Bill	For	L. J. Walker	Clerk,		
Central Esoteric Society of U. S.	"	Inspection	E. C. Brokmeyer	Marshal.		
Central Esoteric Library of U. S.	Henry N. Stokes	Receipts	L. R. Clark, Atty. R. L. S.	Examiner,		
Central Esoteric Library	"	and		Depositions ()		
		Accounting		Auditor,		
			DEFENDANT'S SOLICITOR.	Printer,		
			Leckie Cox & Kratz	Witnesses,		
				Solicitor,		
				Court of Appeals,		
Henry N. Stokes	Plffs. in Original Bill					
	and					
	Agnes E. Mansland					
DATE.	PROCEEDINGS.			DEPOSITS.	FEES.	TOTAL.
Oct 3	Deposit toward costs by Walker			25.00		
" "	Bill, Appearance, Order, & Exhibits (31)				8.65	
" "	Plffs. to answer & Copy issued				2.00	
" "	Rule returnable Oct 18. M 92 P 4 (10/14)				1.30	
" "	Plffs. to answer returned served deft				2.5	
" "	Rule returned served deft				2.5	
" 18	Appearance of Leckie Cox & Kratz for deft order				4.0	
" 29	Cross Bill, Appearance of Leckie Cox & Kratz				6.5	
" "	Order granting leave to file Cross Bill. M 91 P 31				4.0	
" 30	Answer of Deft to Original Bill				2.5	
" "	Rule to show cause & Exs {a. a. c. d. e. f. g. h. i. j. k. l. m. n. o. p. q. r. s. t. u. v. w. x. y. z.}				5.75	
" "	Appearance of Walker & Brokmeyer for Deft to Cross Bill - order				4.0	
" "	Add'l Depositions for Copy by Leckie Cox & Kratz on Cross Bill			5.00		
Nov 19	Answer of Cross Defts. (Plffs. in Original Bill) to Cross Bill				2.5	
" "	Agnes E. Mansland & Exhibits (10)				2.75	23.30
Jan 10	Opinion of Barnard J.				2.5	
" 17	Order, Fixing rule. M 91 P 411				4.0	
" "	Replication to answer of Cross Defts				2.5	
" 22	Motion of deft to limit time & notice				5.0	
" 24	Replication				2.5	
" "	Order limiting time to take testimony M 91 P 422				4.0	
Feb 19	Order extending " " etc. M 91 P 488				5.5	
" 21	Withdrawal of appearance of L. J. Walker & E. C. Brokmeyer for plffs & Cross Defts.				4.0	
" "	Appearance of L. R. Clark for plffs & Cross Defts				4.0	
" "	Order granting plffs. attys. leave to withdraw etc. M 91 P 495				4.0	
" 18	Bill & Cross Bill dismissed by Atty. order (without prejudice)				4.0	
" "	T. J. Mansland				2.00	6.20
" "	Clerk's Office Date				2.50	29.50
" "	Rec'd \$.50 and Lincoln R. Clark, Atty. for plffs.					5.00
				30.00		30.00

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, JAN 17 1913

ORIENTAL ESOTERIC CENTER OF THE
UNITED STATES OF AMERICA,
A Corporation, et al,
Plaintiffs,

v.

HENRY N. STOKES,

Defendant.

EQUITY NO. 31,317.

HENRY N. STOKES,

Cross-plaintiff,

v.

ORIENTAL ESOTERIC CENTER OF THE
UNITED STATES OF AMERICA,
A Corporation, et al,
Cross-defendants.

R E P L I C A T I O N .

The defendant, Henry N. Stokes, cross-plaintiff herein,
joins issue upon the answer to the cross-bill filed in the
above entitled cause.

Leah C. H. H. H.
Attorneys for Defendant.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

RECEIVED
JAN 17 1913
W. J. Young
clerk

ORIENTAL ESOTERIC CENTER OF THE
UNITED STATES OF AMERICA,
A Corporation, et al,

Plaintiffs,

vs.

HENRY N. STOKES,

Defendant.

EQUITY NO. 31,317.

O R D E R.

Upon consideration of the answer of the defendant to the rule to show cause issued herein on the 3d day of October, 1912, as well as of all the pleadings filed and all the proceedings had herein, and after argument by counsel for the respective parties, it is by the Court this 17th day of January, A. D., 1913, ORDERED that the said rule to show cause be, and the same hereby is discharged.

John Barnard,

JUSTICE.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

ORIENTAL ESOTERIC CENTER of the
UNITED STATES OF AMERICA,
A Corporation,
ORIENTAL ESOTERIC SOCIETY of the
UNITED STATES OF AMERICA,
A Corporation,
ORIENTAL ESOTERIC LIBRARY of the
UNITED STATES OF AMERICA,
A Corporation, and the
ORIENTAL ESOTERIC LIBRARY,
A Corporation,
P l a i n t i f f s ,

-vs-

HENRY N. STOKES,
D e f e n d a n t .

EQUITY NO. 31317

FILED

OCT 3-1912

W. R. Young
clerk

Upon consideration of the verified Bill of Complaint filed herein, with its therein stated prayers for relief and Exhibits, this 3d day of October, 1912; it is this 3d day of October, 1912,

ORDERED, that the said defendant, Henry N. Stokes, show cause, if any he has, on Friday, the 18th instant, at 10:00 o'clock, A. M., why he should not be restrained from the further use of plaintiffs' *why Receivers should not be appointed to take charge of the business;* name, Oriental Esoteric Library; why he should not turn over to said plaintiffs their library business; and why he should not account to said plaintiffs for the moneys received by him as their Librarian since the Fall of 1905, in accordance with the prayers of said plaintiffs' Bill of Complaint; provided a copy of this Order and Bill of Complaint be served on the said defendant on or before the 4th instant.

BY THE COURT:

W. R. Young
Justice.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

ORIENTAL ESOTERIC CENTER of the
UNITED STATES OF AMERICA,
A Corporation,
ORIENTAL ESOTERIC SOCIETY of the
UNITED STATES OF AMERICA,
A Corporation,
ORIENTAL ESOTERIC LIBRARY of the
UNITED STATES OF AMERICA,
A Corporation, and the
ORIENTAL ESOTERIC LIBRARY,
A Corporation,
P l a i n t i f f s,

-vs-

HENRY N. STOKES,
D e f e n d a n t.

FILED
OCT 3-1912
J. R. Young
Clerk
EQUITY NO. 31317

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BY THE COURT:

W. A. Henderson
Justice.

In the Supreme Court of D.C.

N 24 1913

Oriental Electric Center }
vs }
Henry H. Stokes } 31317

Upon consideration of the motion of
the defendant, it is by the
court this 24th day of January
A.D. 1913, ordered that the time
for taking testimony be divided as
follows:

The plaintiff shall have 20 days from
the date hereof for taking testimony in
chief, the defendant shall have 15
days for taking his testimony, and
the plaintiff shall have 5 days for
taking testimony in rebuttal, unless
for cause shown the time shall be further
extended.

Jos. P. Howard,
Justice

EQUITY NO. 31317

ORIENTAL ESOTERIC CENTER of the
UNITED STATES OF AMERICA,
A Corporation, et al.,
Plaintiffs,

-vs-

HENRY N. STOKES,
Defendant.

ORIGINAL
BILL OF COMPLAINT,
and
31 Exhibits,

for Injunction, Receivers
and
Accounting.

FILED

OCT 3-1912

H. R. Young

EUGENE C. BROCKMEYER, and
LEONARD J. MATHER,
Attorneys for Plaintiffs.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

ORIENTAL ESOTERIC CENTER of the
UNITED STATES OF AMERICA,
A Corporation,
ORIENTAL ESOTERIC SOCIETY of the
UNITED STATES OF AMERICA,
A Corporation,
ORIENTAL ESOTERIC LIBRARY of the
UNITED STATES OF AMERICA,
A Corporation, and the
ORIENTAL ESOTERIC LIBRARY,
A Corporation,
P l a i n t i f f s ,

-vs-

HENRY N. STOKES,
D e f e n d a n t .

FILED

OCT 3-1912

H. R. Young
clerk

EQUITY NO. 31317

To the Honorable, the Justice of said Court,
Holding a special term in Equity.

Plaintiffs respectfully show:

1. They are corporations duly chartered and existing under
and by virtue of the laws of the District of Columbia --
organized for the purpose of inducing the study of Oriental esoteric
philosophy and occultism, and to disseminate a knowledge of comparative
religion -- and bring their suit herein for the protection of their cor-
porate names and work, as hereinafter more particularly appears.
2. The defendant is a citizen of the United States, a resi-
dent of the District of Columbia, and is sued in his own
right to restrain and prevent his further use of the plaintiffs' library
business, its former ^{un}incorporate and present corporate name of "Orient-
al Esoteric Library", and to compel said defendant to turn over to plain-
tiffs' corporation, "Oriental Esoteric Center of the United States of
America", or "Oriental Esoteric Society of the United States of America",
or "Oriental Esoteric Library of the United States of America" or "Orient-
al Esoteric Library", or all of said plaintiffs; (as in reality they
are but one, with but one aim and purpose, although of separate corpor-
ate entity) certain library books and listed names and accounts of pa-

trons, now unlawfully held by said defendant in his possession, or under his control, as hereinafter more fully appears, and further, to account to the plaintiff "Oriental Esoteric Center of the United States of America", or any or all of said plaintiffs, for all money or moneys received by the said defendant in trust for the said plaintiff "Oriental Esoteric Center of the United States of America", or any of said plaintiffs, or all of them, as will hereafter more fully and particularly appear and be set out herein.

3. Plaintiffs, "Oriental Esoteric Center of the United States of America" and "Oriental Esoteric Society of the United States of America", were each chartered under the laws of the District of Columbia on August 23, 1910, and April 12, 1910, respectively, for the study of the occult sciences and the diffusion of such knowledge; while plaintiffs, "Oriental Esoteric Library of the United States of America" and the "Oriental Esoteric Library" were likewise chartered under the laws of the District of Columbia on May 31, 1912, and August 9, 1912, respectively, for the diffusion and dissemination of esoteric knowledge as embodied in the teachings and work of the "Oriental Esoteric Center of the United States of America" and the "Oriental Esoteric Society of the United States of America", by means of a reference, loan and sale library of philosophical and esoteric books, works, manuscripts and documents, all of which more fully and particularly appears by reference to the certified copies of the charters of said corporations, which are appended hereto, marked respectively "Plaintiffs' Exhibit A", "Plaintiffs' Exhibit B" and "Plaintiffs' Exhibit C", and "Plaintiffs' Exhibit D", and which are prayed to be considered as a part of this Original Bill of complaint as though fully and at large set out herein.

4. As it appears from the "Plaintiffs' Exhibits C and D" and as will hereinafter more fully appear, these two latter referred to incorporations were had for the better purpose of preserving to plaintiffs their own departmental library, its name and

business which they and their predecessor or predecessors in interest had theretofore placed in trust with the defendant herein named, Henry N. Stokes, and under his personal charge and control, he then being a member of the unincorporated "Center", by appointing him their trusted librarian, and said defendant, becoming thereby vested with full power of direction and control of this integral part of the work of the "Center", (which later and under authorization from said "Center" was carried on by said "Society") gradually appropriated to his own personal use not only the Library, consisting as it does of books, manuscripts, etc., on esoteric culture, oriental philosophy and occultism, on psychical research and allied subjects, worth many thousands of dollars, with the accompanying trust fund created from the loaning and sale of said library books, but as well plaintiffs' name of the "Oriental Esoteric Library," together with its telephone, mailing and subscription lists, and indeed everything pertaining to the "Library's" business, as will hereinafter more fully appear.

5. The purpose and work as carried on by the above referred to four plaintiff corporations had being long before it received its corporate mantle, for in October of 1902, the Oriental Esoteric Center was founded in the District of Columbia as a semi-religious voluntary association by Dr. A. de Sarak, under the presidency of Mrs. S. F. Fitzgerald. Miss A. E. Marsland, its present President, was then its Secretary. Its official organ, "The Radiant Truth", issued from the then headquarters of the "Center" at 1443 Corcoran Street, N. W. In January of 1904, the founder, Dr. de Sarak left the District of Columbia and returned to Europe, leaving the work in the hands of Miss Marsland, who has since had charge of it, and as President, both before and since the aforesaid incorporation, has directed and carried it on to the present date, first at 1622 Sixteenth Street, Northwest, and afterwards, and until quite recently, at 1443 Q Street, Northwest.

6. On or about May 22d, 1904, the representative of the Oriental Esoteric Center (still unincorporated) founded at Washington, D. C., a weekly bulletin in form a one-page leaflet, which has been since designated and referred to as the "Bulletin of the Oriental Esoteric Center", to be used as the official organ of the Work, and which has since continuously been so used, and has through various changes, come down to its present-day form, as an eight-page leaflet.

7. The "Center's" library was started in the Fall of 1905 in Miss Marsland's residence at 1443 Q Street, Northwest, by students attending her then open talks; and as an aid to this form of instruction, and in the endeavor to meet the great demand for books and literature to serve as collateral reading thereto, the nucleus to the then existing library now claimed by the defendant herein as his own, was formed. Mrs. S. F. Fitzgerald, Miss Fannie C. Willis, Mrs. Margaret M. Bailey, Mr. F. A. Wood, Dr. H. M. Woodward, Mr. and Mrs. Goodall, Mr. P. J. Goding, Mrs. Virginia Peacock, the Misses Benson, Miss Leonard, Mrs. Kadi Henderson, Dr. H. N. Stokes, Miss Marsland, and many others gave their books on esoteric subjects for this purpose, to the "Center", and thereupon the "Center" definitely announced both at the time, afterwards, and continuously up to the present time, that all gifts to the library, and loans of books or manuscripts, would be held for the benefit of the "Center's" library, and that all dues and receipts were to be put into a trust fund, which was to be for the sole purpose of buying new books for the library, so as to increase the collection of books, etc., and enlarge plaintiffs' sphere of work as aforesaid, through the efforts of the librarian, said defendant, whom the plaintiffs and their predecessor in interest, the unincorporated "Oriental Esoteric Head

Center of Washington, D. C.," had, on or about October of 1905, placed in charge of said library work, with its accompanying trust fund, and who accepted said trust position, and thereafter took charge and control of said library and trust fund, and acted in apparent fulfillment of the trust then reposed in him up until a comparatively short time since.

8. Said defendant at the time aforesaid, viz., in the Fall of 1905, was a student under Miss Marsland, the official representative of the "Center", and he, said defendant, was then placed by the "Center" in charge of its library, which had been started as aforesaid, as an adjunct of the "Center's" work. A set of library rules was formulated by Miss Marsland, aided by Mrs. Margaret M. Bailey and the defendant herein, and the library, known originally as the "Oriental Esoteric Center Library", or for brevity's sake sometimes called the "Library of the O. E. C.", was declared open to borrowers. Later yet, on the 17th day of May, 1910, the Oriental Esoteric Center's Library, (which was at that time associated or affiliated with the "Society", to facilitate the carrying on of its work as aforesaid), assumed for general everyday usage the name of the "Oriental Esoteric Library", as more certainly and at large appears from Bulletins of May 13, 1910, and May 20, 1910, which are attached as an Exhibit to this Bill, marked "Plaintiffs' Exhibit E" and prayed to be considered as a part of this Bill as though fully and at large set out herein.

9. The object and purpose of establishing this library as an adjunct to the work of the "Center" was to increase and enlarge the "Center's" activity, usefulness and sphere of action, and thus bring out and ripen its work into a more perfect and complete fruition. Since, and until quite recently, the said defendant as said librarian of the "Center", has retained and had full charge and control of this department of the "Center's" work, although actively assisted in the early days by the other members, and likewise guided by the "Center" as it would make known to its librarian from time to time what special reference books might be needed in order that it might direct the character and tone of these acquisitions in the upbuilding of its library. The said defendant, in the name of the "Center", and although ostensibly acting as its officer and for its benefit, has been gradually edging away from this position to one where he might personally enjoy and reap the benefit and prosperity of this branch of the "Center's" activity, and although he has collected dues, received moneys from the loan or sale of books, and has likewise solicited and received contributions in books and money, all as librarian of the "Center", for the advancement of the "Center" and its upbuilding, he has broken faith with those who trusted him with this office, abused their confidence and has used his position and office for the enlargement of the library alone that he might later retain it in his possession and claim it as his own, as will more fully hereinafter be shown.

10. In November, 1907, the work of the "Center" having grown apace, the said defendant approached the representative of the "Center" with a proposition and a suggested method of operation, whereby the revenues of the "Center" might be materially increased, and the running expenses entirely defrayed in due course of time, by adding a mail-order section to the work of the "Center's" library, to which method for the enlargement of the "Center's" work and the meeting of its running expenses the representative of the unincorporated "Center" finally consented, and granted the desired

permission to its librarian, said defendant herein, who thereafter adopted and put the same into effect, which materially increased the volume of the "Center's" revenues and work until it reached around the world.

11. On the 24th of March, 1908, while the "Center" was still an unincorporated voluntary association, and as appears from its then made official Minutes, the president, Miss Marsland, announced that she had sent in the names of ten members to be elected to offices in the Council, subject to the ratification of Dr. de Sarak; that among these ten names appeared the name of the defendant, Dr. H. N. Stokes, as deputy and librarian, and subsequently under date of May 8, 1908, it further appears by the official Minutes of the said "Center", that said election was duly ratified and confirmed, and that the said defendant accepted the trust of said librarian for the "Center", thereby reposed in him. It further appears from said official Minutes of the "Center" as last hereinabove referred to, that the said defendant then spoke of the letters received by him as librarian of the "Center" showing appreciation of the receipt of the "Center's" Bulletins, and its poems and books, which then were being circulated throughout the United States and other countries. The said librarian further reported to the "Center" at its then meeting, as is duly shown by its official Minutes, that there were at the time one hundred and fifty names on the "Center's" Mailing Library List, and that the work was growing so rapidly as that it had become necessary for the "Center" to employ a secretary permanently. It furthermore appeared in and by the said Minutes that the treasurer of the "Center" the same time questioned the librarian as to the methods he was employing for bringing the work of the "Center" into touch with the outlying districts, and what success he had met with; and the librarian then reported to the officers of the "Center" and the directors of its work, how he was managing that part of same, and advised his brother officers and directors that the work of the "Center" was being brought into touch with these

outlying districts through notices in journals, and requests of friends, etc., etc., and particulars were then given by him, said defendant, regarding the Mailing List of the "Center", which he reported to the "Center" at this same meeting as then numbering a thousand names. The Minutes of this action are signed by the defendant himself, and as well by its then president, Miss Marsland, and its then secretary, Miss Willis.

12. On October 5, 1909, -- the "Center" still being unincorporated -- the installation of officers for the next ensuing term took place, and by the official Minutes of record then made, the defendant was duly elected as librarian of said "Center", and again accepted the position and trust of librarian for said "Center".

13. The records in the archives of the "Center" show a continued increase in its membership, and the growth and expansion of its library, and in February of 1910 its librarian made a special report to Dr. de Sarak, who was then the General Inspector of the Order, to the effect that the "Center" had two offices or bureaus; the president and ^{the} secretary on the one hand, its librarian on the other; that the president and the secretary were especially concerned with the esoteric side of the work, while the said defendant, as librarian for the "Center", had charge of the publication of the "Center's" Bulletin, the circulation of its literature, and was especially concerned with the public outside of Washington; that the said librarian for the "Center" carried on its propaganda work, and after memberships resulted, furnished its members with books; that a little more than two years before that time, the "Center" had only a small collection of occult books for loaning to the residents of Washington, and that towards the end of 1907, a method had been found to loan books by mail and that since that time, and owing to the advertisements and efforts of those interested, more than two thousand books were loaned every month by mail, not only throughout the United States, but as well to

foreign countries; that the "Center" paid the postage out on these books, and thus lent every facility to borrowers; that the total number of books in circulation by the "Center" at that time was not much less than four thousand; that some books were loaned by the "Center" at its own cost, while others were loaned for a small rental and the cost of mailing; that every client was permitted to buy the books he had borrowed, and from this source, from the sale of new books, from the dues received from borrowers, and from the offerings of persons in gratitude, the expenses of the "Center's" library were in part paid; that the librarian answered all calls for books, or for information, or help, and communicated with those whose names had been given him by their friends; that the weekly Bulletin of the "Center" was published from the office of the librarian of the "Center" and contained teachings, editorial notices and particulars of the work; that its circulation then was more than forty-six hundred copies a week, and about two thousand of those who took the Bulletin were regular patrons of the "Center's" library; that there were employed in the office of the "Center's" librarian eleven paid clerks, who gave their entire time as stenographers, librarians, postal clerks, etc., to the work, which was then spreading so rapidly that this force was not enough, as every week there were more than two hundred new addresses brought into the library, and these, in turn, were corresponded with and invited to enter the "Center" and read its literature; that there was no doubt at all that all those working in the undertaking were doing the utmost that their possibilities allowed and that without any material consideration, as the officers were always at one in matters of general policy; all of which will more particularly and at large appear by reference to the excerpt from said letter from the defendant herein as the then librarian of the "Center", which is attached hereto, marked "Plaintiffs' Exhibit F" and prayed to be considered as though at large set out herein.

14. The "Oriental Esoteric Society of the United States of America" was incorporated April 12, 1910, on account principally of some differences having arisen between those in charge of the "Center's" work, and the original founder, Dr. de Sarak, and it was then deemed expedient by the "Center" and better for convenience sake, to have its every-day business affairs affiliated with the incorporated "Society", which since has rather attended to the temporal and esoteric matters pertaining to the plaintiffs' work, or that of their predecessor, as aforesaid, while the "Center" has more particularly addressed itself to the management and control of its spiritual and esoteric affairs, although the work and aim of both, then as always, have been but one.

15. The said defendant was recognized in practice by the unincorporated "Center" as acting librarian for the incorporated "Society", as he was at the time holding the position of librarian for the unincorporated "Center", and he, said defendant, continued the active management and control of the "Center's" library business after the said library became affiliated with the "Society", as aforesaid, which is further and more at large shown by reference to the said official Minutes of the Society of May 17, 1910, which said part of the Minutes, referred to as aforesaid, is attached hereto, marked "Plaintiffs' Exhibit G" and asked to be considered as a part of this paragraph as though at large appearing herein.

16. Although the said defendant as an officer and director of both the then unincorporated "Center" and the incorporated "Society" was acting as librarian and trust officer first for the "Center" and later also for the Society as aforesaid, and although by virtue of such trust position he had full charge and control of the library branch of the said work, and as such librarian and trust officer had acquiesced and joined in the above referred to affiliation with the "Society" in some of the business matters and propaganda pertaining to the conduct of said library work, as in the next preceding paragraph

appears, it is the same library, with its adjuncts that the said defendant now retains possession of, which is now under his personal management and control and which he has refused to give up to plaintiffs, or either of them, and which he now unlawfully claims as his own personal property, as hereinafter more in detail will be shown.

17. On August 23^d, 1910, the then unincorporated "Center" was chartered under the laws of the District of Columbia, with a personnel which was derived entirely from those who had been active in the Directing Council of the "Center" when unincorporated, and who were also trustees of the "Society". One of the main reasons that actuated the incorporation of the "Center" was to have transferred to the body corporate in perpetuity and according to law, its corporeal possessions and belongings, as integral part of which was the library, its name, good-will and work, with its adjuncts of mailing and subscription lists, etc., which had been then affiliated with its brother corporation, the "Society", for the better carrying on of the exoteric branch of plaintiffs' work, and the work of their predecessors, as aforesaid, and accordingly, and in accordance with the direction of the laws of the unincorporated "Center" and its rules of guidance, on August 30, 1910, the foundation members of the unincorporated "Center" met together in regularly called meeting, designated the incorporated "Center" successor to the unincorporated "Center", dissolved the unincorporated voluntary association of the "Center", and after the delegate had equitably divided the property among the founders thereof, they incorporated as afore-

said, then transferred to the incorporated "Center" their library with its adjuncts, and, indeed, their entire shares of all the property at that time belonging to the said unincorporated "Center". Among those who signed this transference of property rights over to the plaintiff corporation, the "Oriental Esoteric Center of the United States of America" -- which was the successor to the unincorporated body, from whence had sprung into activity its corporate children, the named plaintiffs in this suit, which yet, though of separate existence, together remain and make up but the sum total of their parental origin -- was H. N. Stokes, the defendant herein. The library and all its adjuncts then solemnly transferred by the defendant and others from the unincorporated "Center" to the corporate body (as more particularly and at large appears from a copy of said transference, which is appended hereto and marked "Plaintiffs' Exhibit H" and prayed to be taken as a part hereof as though at large set out herein) is the same library and adjuncts as aforesaid, which the "Center" had intrusted to the direction and control of the defendant, and which he, said defendant, accepted in trust for the "Center", and which the said defendant now having the manual possession of, refuses to turn over to the "Center" or account therefor to any or all of said plaintiffs, and which he now claims to be his own exclusive personal property.

18. That not only is the defendant's position as a trust officer of the plaintiffs or their predecessor, as aforesaid, to their library, adjuncts, and trust funds, as aforesaid, shown in its establishment and existence, traced, as aforesaid, up to the Spring and Summer of 1912 (when for the first time said defendant commenced to claim as his own, what had always been hitherto considered as an integral part, as well as a very necessary and vital part, of

said plaintiffs' work, or that of their predecessors, as aforesaid), not only is it shown by plaintiff "Center's" official Minutes, in the making of which the defendant himself took an active part, not only is that position stamped and corroborated by defendant's own letter to the then General Inspector of the Order, Dr. de Sarak, in 1910, (Plaintiffs' Exhibit F), but as well and as conclusively is it proved by the form of advertisement and notice to the public which this branch of the plaintiffs' work, or that of their predecessor or predecessors, as aforesaid, took under the guiding hand of the defendant himself, in order that there might be an increase and enlargement of plaintiff "Center's" sphere of usefulness: for instance, as is at large shown in "Plaintiffs' Exhibit I" to this point, which is annexed hereto and which it is prayed may be considered as a part of this paragraph and Bill as though at large set out herein, the postal-card "Orders" supplied by the library and sent by the public to the defendant practically up to the present time, for mailing books from the library, etc., and to enable the public to send in to the Library, additional names and possible joiners and members in the work, and promising them the "Center's Bulletin" for two months free for so doing, which were by their print-

ed addresses directed by the defendant's own hand to be returned to the Librarian of the "Oriental Esoteric Center"; the receipt-cards of names and addresses, and application cards with the defendant's own blue-pencil memoranda thereon, shows that the defendant was acting as the librarian of the "Center" and in trust for plaintiffs, as aforesaid, and not in his own personal capacity or for his own individual benefit; the coin-return-cards, to enable the public to send in their remittances for the "Bulletin", books, contributions, etc., which have been used practically up to the present time, and the printing of which was made under and by direction of said defendant himself; which on their face show that the library belongs to the "Center", that the defendant is acting as its librarian, and that further information respecting the "Center's" work, etc., will be given on addressing the defendant as said librarian of the "Center"; special offers of books and order blanks therefor, used up to comparatively recent times; prospectus pamphlets of the "Center" which bear the defendant's name as librarian to the Library, which said pamphlets show then belonged to the "Center", and which prospectus pamphlets were used by the said defendant up to about Christmas of 1909 in behalf of said "Center's" work; printed lists of books belonging to the library of the "Center" issuing under the direction of the defendant as librarian of the "Center", which further show that all profits from the sale or loan of books, are to be added to the library fund, of which the librarian of the "Center", defendant herein, has charge, and to whom all communications must be addressed as said librarian; notices and renewal forms of the "Center" and concerning the "Center's" own corresponding membership list, the dues of which may be sent to either the Secretary or Librarian of the "Center", thus showing the connection and oneness of Library and "Center"; its blotters, used in 1907 and since; leaflet of information regarding the "Oriental Esoteric Center", which was printed under the direction of the defendant, and which shows that the "Center" has not only a carefully selected collection

of books, periodicals and pamphlets relating to oriental philosophy and ethics, etc., and not only that all receipts from the loan or sale of books are added to the "Center's" library fund, but ~~as~~ well that the defendant is the Librarian of the "Center" with his address ^{until recently} at its present home and headquarters., 1443 Q Street, N. W.; the book sticker used in the library's books up until September 27, 1912, which likewise shows the defendant was acting throughout, not only as those composing the "Center" understood him to be acting but as the defendant himself, also understood, and that he was in fact acting, and until quite recently, as plaintiffs' trustee officer, or that of their predecessor,---its librarian over their library, and its adjuncts, as aforesaid.

19. After the exoteric work of the "Center" had been affiliated with the "Society" by the said "Center", for more convenient usage as hereinbefore is set forth, said defendant continued the advertisement of the "Center's" library in form as they appear in "Plaintiffs'" Exhibit K", which is appended hereto and prayed to be considered as though fully and at large set out herein.

20. As further appears by the form of advertisement which the aforesaid branch of plaintiffs' work took, under the direction and guidance of the defendant himself, (marked Plaintiffs' Exhibit L" and prayed to be considered as though at large set out herein), who not only drew each ~~plaintiff~~ particular form of advertisement, but inserted it where he pleased, when he pleased, and as often as he pleased in the different journals and magazines of the day for the purpose of advancing said plaintiff Center's library work both before and after the same became affiliated with the "Society"; as by way of illustration, in the "Nautilus", a monthly magazine, and beginning in March of 1908, down, in almost unbroken sequence, to December of 1910, appears the advertisement of the "Center's Library", at its headquarters 1443 Q Street, N.W., and the fact that its librarian was the defendant, as more particularly appears from one of the clipped advertisements marked "a".

That following, and from August 1908 continuously to February 7, 1910, appears a similar advertisement as to the library, which is marked "b" for identification. From this form of advertisement, as will be seen from the recent letter likewise marked "b" for identification, reply was received under date of July 22, 1912, addressed to the "Center" and asking for some of its books according to its advertisement. From there on and up to and through September of 1911 appears the appended advertisement marked "c". From January, 1909, to July, 1909, the advertisement appended hereto marked "d" shows that the books constituting the library of the "Center" could be borrowed under the mailing system of the O. E. C. Since March, 1912, the ~~following~~ form of advertisement marked "e" has appeared in this magazine.

In "Eternal Progress"--which in June of 1909 was changed to that of the "Progress Magazine"--from February, 1908, to December of 1909, appears the annexed form of advertisement marked "f", which shows that the "Center" then had a library of books on theosophy, occultism, physical research, and allied subjects, and that all the receipts from this library went into the library fund. In this same magazine, from January, 1909, to August, 1909, appears form of advertisement marked "g", which shows that the library therein referred to, with books borrowed therefrom under the mailing library system of the O. E. C., is the same library aforementioned as belonging to the "Center". So likewise, under date of January, 1911, in form of advertisement marked "h", which was inserted at a time when the "Center's" library and workings had become affiliated with the "Society".

In "New Thought" there was contained a similar form of advertisement from July, 1908, to April, 1910, when the magazine was discontinued, which form of advertisement is marked "i".

In "New York Magazine of Mysteries" for June 10, 1910, appeared the advertisement in form as marked "j".

In "Everybody's Magazine" for July and August, 1911, we find form of advertisement marked "k", in which the address for communications affecting the library is given as that of the Li-

brarian of the Oriental Esoteric Society, 123, Washington, D. C.

In the same magazine for Novemebr, 1911, marked "l" and down to August of 1912, we find the address concerning the library advertised as "Oriental Esoteric Library, 123, Washington, D. C." From November, 1911, down through 1912 we find the form of advertisement marked "l" read "Oriental Esoteric Library, 123 Washington, D. C."

In "Munsey's", under date of August, September and October of 1911 marked "m", we have it "Oriental Esoteric Society, 121, Washington, D. C." In November 1911 marked "n" it appears "Oriental Esoteric Library, 121, Washington, D. C."

In the "Cosmopolitan" for August, 1911, marked "o" the address is in form for future communications to the "Librarian oriental Esoteric Society, 125, Washington, D. C."; In October of the same year marked "p" we find it "Oriental Esoteric Society, 125, Washington, D. C." Again in December of 1911, marked "Q", it appears as "Oriental Esoteric Library, 125 Washington, D. C."; and throughout 1912, the advertisement notes the address under differing forms of advertising as that of the "Oriental Esoteric Library, 125, Washington, D. C."

In "Hampton's Magazine" under date of September, 1911, marked "r", it appears as the "Oriental Esoteric Society, 124, Washington D. C.", while in April of 1912, marked "s", it appears as the "Oriental Esoteric Library, 124, Washington, D. C."

In "Railroad Man's Magazine", marked "t", we find it is first to the Librarian of the Oriental Esoteric Society under date of July, August and September, 1911, to whom future communications are to be addressed, while in October of the same year, it is to the Oriental Esoteric Society without "Librarian", and in November of the same year, it was again changed to the Oriental Esoteric Library, which latter form is kept from that time on.

In the "Literary Digest", marked "u", under date of May, 1911, it is shown to be the Oriental Esoteric Society, Washington, D. C.; in June of the same year it is changed to H. N. Stokes, Librarian, Washington, D. C., and in 1912 its present approved form by said defendant of "Oriental Esoteric Library, 126, Washington, D. C.", has

been evolved.

In "Popular Mechanics" marked "v" the evolution of the name from the manipulation of the defendant is significant, for first in February and May of 1911, the form of advertisement concerning the "Center's" library shows the defendant to be the Librarian of the Oriental Esoteric Society, Washington, D. C.; in June of the same year it has been changed to "H. N. Stokes, and still later it appears as *"Oriental Esoteric Library, 119 Washington, D. C."* Librarian, 119 Washington, D. C., which form represents its final evolution.

So in the "Magazine of Mysteries" marked "w", which begins in June, 1910, and continues down to December of the same year, the advertisement marks the library as that of the "Center" and the defendant as its librarian, at 1443 Q Street, N.W., Washington, D. C.; from January to March of 1911, however, the defendant appears as Librarian of the Oriental Esoteric Society, 109 Washington, D. C..

From April to June of 1911, the same general form of advertisement appears under the name of "H. N. Stokes, Librarian," and from August to October, 1911, and from this on, in the various magazines and journals of the day down to September of 1912 it appears as "O. E. Library, Washington, D. C."

Without further repetition or reiteration it sufficiently appears from the foregoing that the said defendant has been experimenting with the plaintiff's library and adjuncts in his effort to find and use a name so like unto plaintiffs' own name as to become identical therewith, so near to the character of the work that he, said defendant, had been carrying on for years as the trusted officer of the plaintiffs, as to deceive them and each of them, and foster and beget a belief not only in the minds of the many members comprising plaintiffs' body corporate, but as well influencing the stranger among the general public, with ever in mind the ulterior object in view of weaning this valuable adjunct of library ~~and~~ ^{away} from plaintiffs' further use and of appropriating it to his own, as hereinafter will more particularly and at large appear.

21. That in and by the Bulletin, the official mouthpiece of the "Center", its aim, purpose and work, and at and throughout the time when the said defendant was a member of the Directing Council of the "Center", and contributed, received and read the Bulletins, which went into thousands of homes, there appeared from time to time, and in fact up to plaintiffs' current issue thereof, official announcements of the Library, with its mailing lists, etc., and ~~the~~ in reference to the fund realized from the conduct of the Library's business, as aforesaid, some of which follow: From January to December, 1906--- books may be borrowed from the Library upon payment of a small charge, which goes to defray expenses and to buy new books; from January to November, 1907; Library. Books may be borrowed from the Library upon the payment of a small charge. Orders taken for books on occultism, or allied subjects at dealers' prices; all receipts from loan or sale of books devoted exclusively to increasing the collection. Persons not on our regular mailing lists can have this leaflet sent weekly on payment of the postage, sealed or unsealed, as desired; address Librarian, 1443 Q Street, N.W., Washington, D. C. This work is entirely supported by voluntary contributions. ~~Telephone North 591-k.~~ Again in 1907 appears in one of the leaflets, the following: The ORIENTAL ESOTERIC CENTER****Persons not on our regular mailing lists can have this leaflet sent weekly on payment of the postage, sealed or unsealed, as desired. Apply to the Librarian, 1443 Q Street, N. W., Library. The Center has a Library of books on Oriental philosophy and ethics, theosophy, occultism and physical research and allied subjects. These may be consulted free, or borrowed upon payment of a small charge. A ~~great~~ selection of books on these subjects for sale at the usual prices. Advice on the best books for individual needs is given if desired. All receipts from the loan and sale of books are added to the Library Fund. TELEPHONE NORTH 250. Beginning November 1st, the telephone number of ^{the} "Center" will be North 250.

This latter form of advertisement was continued through the Bulletins of 1908 and 1909, as more at large appears from

September 11th, 1908, and December 11th, 1908, and
 the issues of June 11th, and July 16th, 1909, which are append-
 ed hereto marked Plaintiffs' Exhibit *M*, and asked to be consider-
 ed as though fully and at large appearing herein; that likewise
 appearing from these last mentioned exhibits there further appears
 in that of June, the 11th, this notice to readers: Readers of
 the Bulletin, and those who use the Library, are invited to the
 Librarian the names of five or six books which have had the deep-
 est influence on their lives and thought*****The Center desires
 to make the Library of the greatest possible use and to aid bor-
 rowers in every way, and this can be done by frank expressions of
 opinion; In the issue of July 16th, under the heading, "Special
 NOTICES TO BOOK BUYERS", appears this further notice: "The
 Library of the Center does not loan books, only, it sells the
 books it loans, which may thus be inspected before purchasing.
 It sells directly all books on occult, philosophical and other
 subjects at current prices, and delivers them promptly. The
 profits go into the work of the Library, and those who place
 their orders with us, aid us in getting more books to loan to them
 and to others. All inquiries are gladly answered." March 4, 1910,
 "OUR FREE MAILING LIST. We permit print this week a selection
 of titles from our Free Mailing List, including the list of twenty-
 two books which we recommend to beginners. The complete list may
 be had for the asking*****. It is this list that has brought occult-
 ism to the attention of hundreds and thousands of readers, and which
 has made the Oriental Esoteric Center known everywhere. Some of
 the most popular books sold: (following with a long list of books
 belonging to the O. E. C.), April 29, 1910, "We want you to send
 us the names of your friends. We send the Bulletin and the Library
 lists to any address given us, and forty percent of the books loan-
 ed go to those whose names come to us in this way.*****We sell
 or rent.*****We will get you any book published*****We import
 direct from all prominent publishers of occult literature," all
 of which more fully appears from this referred to issues marked
 Plaintiffs' Exhibit M which is appended hereto and asked to be

considered as part hereof as though at large set out herein.

May 13, 1910, under . NOTICE ! IMMEDIATE ATTENTION; The Post Office Department having decided that our books bearing hand-stamp or typewritten figures on the labels are mailable at letter rates, you are requested immediately to remove such labels from all books which you have in your possession belonging to the Library of the O. E. C. July 12, 1908, "Notify the Librarian of this Center*****; July 19, 1908, "The Library Department**"; January 14, 1910, "Friends of the Center should buy their books from us...the proceeds go to meeting the costs of the Bulletin, to increasing the library, and especially towards maintaining our great free loaning system. Rememebr the Center the next time you buy a book. BOOKS FOR SALE AND RENT BY THE ORIENTAL ESOTERIC CENTER"; February 18, 1910, "the local library of the Center"; February 25, 1910, some of the most popular books sold and rented by the O. E. C.; March 18, 1910, "Address the Secretary or Librarian as may be convenient;" March 25, 1910, "Help the Library by buying books through the Center"; May 13, 1910, "The library of the O. E. C."; May 20, 1910. "The change of name of the Library to The Oriental Esoteric Library relates solely to matters of internal administration. The old name ^{will} still be recognized. BOOKS FOR SALE AND RENT BY THE ORIENTAL ESOTERIC LIBRARY, (affiliated with the Oriental Esoteric Society of the U. S. A.)"; November 18, 1910, "Copies of the Library Rules; Fall list and circulars will be sent an application. Address all inquires and make remittances payable to The Librarian O. E. L., 1443 Q Street, N.W..; July 15, 1910, "Address the Secretary or Librarian, as may be convenient ;" July 29, 1910, "The office of the Librarian will be open without interruption for the loan and sale of books and for general correspondence relating to the Society. Subscriptions and membership application will be received as usual. The Secretary's office will be open;" September 30, 1910, "Did it ever occur to you that you could help the Society and the Library by purchasing your

books through us;" December 16, 1910, Some advance
Oriental Esoteric Library * * * We give advise on th
on occult subjects, health, success, business * * * We
loan you any book on our lists and many others at a reasona
charge for use. You can buy them or return them. You will be
helping a Society whose only object is to help you. Books for
sale and rent by the Oriental Esoteric Library, address the
librarian O. E. C., 1443 Q Street, N. W., Washington, D.C. If
you want instructions you cannot do better than become a corre-
sponding member of the Society * * * Address the Secretary of
Librarian, as may be convenient; January 20, 1912, "Applicat-
ions may be sent ^{either} to the President, the Secretary or the
Librarian, at 1443 Q. Street, N. W., Washington, D. C.;"
May 26th, 1911, "We wish to thank our friends who have sent in
subscriptions to the Bulletins, or contributions in aid of the
Library, for their kind support;" July 28, 1911, "The office
of the Librarian will be open without interruption for the
loan and sale of books and for general correspondence relating
to the Society. Subscriptions and membership applications will
be received as usual. The Secretary's office will also be open.

No. 22.

That 1443 Q Street has been the plaintiff's home and
headquarters continuously since 1905, when the
library was first started up to the present time. It was rented
by Miss Marsland up until October of 1908, when the defendant,
because of his deeply expressed interest in plaintiff's work,
and because of his financial ability, agreed to assume the rent
of said house, and give the use thereof to the "Center" and also
added thereto the making of a weekly allowance to run the house,
all of which he gave voluntarily and of his own free will, and
freely and unequivocally devoted the same entirely to the work
of the "Center" and for the benefit and welfare of said "Center."

bed-room, as more particularly appears by reference to the Minutes of the "Center" for October 8, 1908, attached hereto marked "Plaintiff's Exhibit N" and prayed to be considered as a part hereof as though fully and at large set out herein. That likewise, plaintiffs are advised, and believing aver, that the said defendant has given largely and generously to the advancement of the library branch of their work, but they charge that the same were free and voluntary gifts to said plaintiffs on his part, made under statement repeatedly from time to time that the work he was doing, or the donation he was giving, was for the "Center" of the "Society", according to the date or the particular circumstances under which he spoke, made without reservation of any individual right, or with any intention that they were intended to be other than as represented, and were simply made as a zealous officer and director, and an enthusiastic worker in plaintiff's cause; just as with any co-worker for the advancement of their common enterprise to promote their teachings on esoterism, or indeed just as said defendant himself gave to the "Center" and the Society and the different branches of their work; for in the past especially, the cause of esoterism has been advanced and the teachings of plaintiff's faith promulgated, and their work carried on through all the vicissitudes of early endeavor, principally from loyalty of purpose and voluntary gifts of time and money from those interested in the work.

23 That furthermore and as appears in and by the Minutes of the "Center" of October 8, 1908, the Bulletin was to be the property of the "Center" and that the "Center" was to receive all incomings from subscriptions, to be held in a special fund that was not to be diverted to any other use, while the said defendant was to have charge of the sending out of the said Bulletins, and on account of his financial ability as aforesaid, and his willingness and desire to aid in the advancement of plaintiff's work, he, said defendant, gave

and undertook to pay the difference each week between the incomings and the expenses of this branch of the work, as more particularly appears from the said last referred to exhibit, "Plaintiffs' Exhibit N", which is likewise prayed to be considered as a part hereof as though at large set out herein.

24. That on, to wit, November 1st, 1907, the said defendant, acting ostensibly for plaintiffs' predecessor or predecessors in interest, had a telephone placed in their home and headquarters at 1443 Q Street, N. W., which has since remained and which bears No. North 250, as more particularly appears from page 145 of the Directory Telephone Book, which thus identified, is asked to be considered as a part of this paragraph as though at large appearing herein, and likewise the Bulletin with said announcement in, which is appended hereto marked "Plaintiffs' Exhibit O" and prayed to be considered as a part hereof as though at large appearing herein, and said defendant furthermore, ever since October of 1908, has caused plaintiffs' name to appear in the local City Directory, as follows: "Oriental Esoteric Center, library and lectures on Oriental philosophy, 1443 Q Street, N. W., phone North 250", all of which shows that plaintiffs' home and headquarters ^{was} ~~was~~ fixed and established by the defendant himself at 1443 Q Street, N. W.

25. On August 30, 1911, said defendant brought out his initial number of what is called the "O. E. Library Critic". Defendant's striking imitation and perfect likeness to plaintiffs' Bulletin was made for the avowed purpose of substituting his own "Critic" in the place and stead of the Bulletin, and thus under cover of plaintiffs' name, so confuse the public as to enable him to transfer plaintiffs' business to his own personal files. Said likeness is ^{seen} ~~seen~~ by comparison, for which purpose copies of the Bulletin and Critic are attached hereto marked "Plaintiffs' Exhibit P" and prayed to be taken as a part of this Bill as though at large set out herein.

26. The publication of this pamphlet by the said defendant led to a greater divergence of view than ever before, and between the plaintiffs, their predecessor or predecessors and defendant, the

gradually growing breach, widened and finally culminated, after direct attack by said defendant upon the spiritual teachings and faith of the said plaintiffs, in a necessary severance and removal of the said defendant from the life of the said plaintiffs and their work. In the light of later developments, plaintiffs charge that this attitude of growing hostilities towards the plaintiffs and their predecessor or predecessors and their work, on the part of the said defendant, but marked the increasing attempt on his part to wean the library, its name and effects from the plaintiff "Center", to whom it lawfully and properly belonged. At the time it became apparent to the plaintiffs that they had been deceived, and that their librarian had been filling their position to further his own ends, plaintiff Center at once made demand upon the defendant for an account of the official status of the Oriental Esoteric Library, in detail, and a turning over of all the books, etc., to said Center, all of which is more fully and at large set out by the correspondence relating thereto; copies of the letters passing being marked "Plaintiffs' Exhibit Q" and the same are prayed to be considered as though at large set out herein.

27. That it is the present plan of the defendant herein to claim entire as his own what was started and built up under the nurturing care of the plaintiffs, their predecessor or predecessors in interest, and their own then trusted officer, their librarian, the defendant herein, viz. the name and effects of the Oriental Esoteric Library, which the record heretofore laid out by this Bill and Exhibits thereto shows indubitably belongs to plaintiffs herein, for the letters of the defendant to Mrs. Beuchert under date of September 16, 1912, and defendant's current issue of the "Critic" show more plainly the misrepresentations advanced by the defendant in his endeavor to mislead the public and plaintiffs' patrons and engender the belief that he is acting in the right when taking plaintiffs' name and its most valuable asset away from them. This letter and copy of the "Critic" is added to the other record and Exhibits in this cause, that the defendant's full claim as advanced by himself might be herein set out, and the same is marked "Plaintiffs' Exhibit R" and is prayed to be considered as a part hereof as though

fully and at large set out herein.

28. That the present claim made by defendant herein is without foundation of fact, is self evident by a brief comparison with plaintiffs' claim; and accepting for such comparison defendant's claim as he makes it, and now sets it forth, as in and by the Plaintiffs' Exhibits ^{L and R.} is fully shown; and first defendant urges his right to the use of the name of the Oriental Esoteric Library by right of prior usage; whereas in truth and fact this name was adopted into general use by the plaintiffs and their predecessor or predecessors in interest, in May of 1910, as is shown by "Plaintiffs' Exhibit E", which was at a time when the defendant was the trusted officer and director in both the unincorporated Center and the Society and long before he advanced any claim of individual ownership.

29. This fact further appears from the accompanying letters written by the defendant to members of the unincorporated Center in 1909 and 1910, written on the official letter-head of the Oriental Esoteric Center and from the headquarters and home of the Center, as librarian of the Oriental Esoteric Center, which are but a few of the many thousands marking the defendant's course throughout these years, which said accompanying letters are marked "Plaintiffs' Exhibit S" and are prayed to be taken as a part hereof as though fully and at large appearing herein. Furthermore, as appears by defendant's letters written on plaintiff's Society letter-head from the Society's home and headquarters at 1443 Q Street, N. W., after the incorporation of both Center and Society, and after the said defendant with the other foundation members composing the unincorporated Center had transferred all the property and belongings of every description from the unincorporated Center to the incorporated Center, which letters are marked "Plaintiffs' Exhibit T" and the same are prayed to be considered as a part hereof as though fully and at large set out herein. These letters are but illustrious ^{active} of the many thousands of letters written by the defendant on the letter-head of the Society, which was used exclusively by the defendant as

Librarian, up until the latter part of June 1912, when for the first time said defendant claimed as his own, the name of the Oriental Esoteric Library, which was the name under which the Center's Library had been affiliated with the Society for general use for some years.

30. It is next urged by the defendant that the library and belongings are his because he started the library, as an individual enterprise, and built it up by personal effort and endeavor; in other words, that he has bought and paid for it; but on the contrary, in truth and fact, the library was started by the unincorporated Center from the free donations of its different members of over two hundred books in 1905, of which books said defendant gave about sixty or more, and gave these books freely and voluntarily to the Work and the good of the Cause, just as he afterwards gave his time, labor, books and money freely and voluntarily to the advancement of the Work and to the good of said cause; that since, and up to May of 1910, when it had grown into a flourishing condition according to the defendant's own letter to Dr. de Sarak (Plaintiffs' Exhibit F) it was still the property of the unincorporated Center and the defendant recognized his own official position as librarian of that body; that on August 30, 1910, the foundation members of the Oriental Esoteric Head Center of Washington, D. C. (which was the unincorporated Center) of which the said defendant was one, transferred all the property of the unincorporated Center to the corporate "Center, plaintiff herein; that at the time of the establishment

of the library in 1905 it was officially stated that the dues, receipts and returns from the loan and sale of books were to be put into a trust fund for the purpose of carrying on the work, of enlarging and advancing it, and the defendant was officially put in charge of the work as the librarian and then and afterwards accepted this position of trust thus given him; that since the Fall of 1905 the work has grown and increased until again we have the defendant's own word for it in "Plaintiffs' Exhibit A" that the library "Employs twenty-one clerks in various capacities, and besides selling books, is lending about four thousand a month", and plaintiffs charge that the said defendant, managing ^{certain of} plaintiffs' finances up until September of 1911, took in all Bulletin subscriptions as well as all dues coming from the loan and sale of books, together with contributions and such other moneys as came into his hands, averaging from \$40. to \$50. a day, none of which was ever accounted for to said plaintiffs by said defendant, as librarian. Up until the Spring of this year plaintiffs have not demanded an accounting from said defendant because they knew the work carried on by their librarian was expensive in its advertising and in other ways, and having faith and confidence in him, they went along, firm in the belief that their library was being well cared for, and that the money receipts therefrom were going to the still further upbuilding, advancement and benefit of their faith and work. The house, 1443 Q Street, N. W., was rented by the defendant, and he offered and gave the same voluntarily and officially for the conduct of the work of the "Center", in which he then claimed to be so much interested, merely reserving to himself one bed-room for his own personal use, as appears from "Plaintiffs' Exhibit X" just as it was supposed by the plaintiffs and their predecessors in interest that the said defendant was giving his time and effort for the benefit of their library and the advancement of their cause. That the plaintiffs have always considered that a certain part of the library now in the possession and under the control of the said defendant, belongs ^{ed} to him, although he has improperly and unlawfully mingled it with what belongs to them, and they have accordingly marked on the accompanying book lists in blue pencil,

the books as nearly as they have been able to list them, which belong to them, which more at large appears from said lists, marked "Plaintiffs' Exhibit S/" attached hereto and prayed to be made a part hereof as though at large set out herein. That it was from this part of the library which plaintiffs do not claim and never did claim, on account of the commercial aspect and use to which said defendant's personal books were placed, and because this spirit of commercialism was foreign to the tenets held by the plaintiffs, that the President of the Society in her letter to the defendant of May 13th, 1912, as set out in "Plaintiffs' Exhibit L" sought to divorce plaintiffs' own library.

31. The said defendant has continued to use up until recently the cover of plaintiffs' name and prestige, and loyally and faithfully has given the patrons and public as well as his co-workers to understand -- as he has done right along up until comparatively recent times, without the slightest intimation of personal ownership of the library and its effects -- that the work he has been carrying on is the work of the plaintiffs and their predecessor or predecessors in interest, and not his personally, as is at large shown by the accompanying envelopes marked "Plaintiffs' Exhibit Z.I", which are appended hereto and prayed to be considered a part hereof as though fully and at large appearing herein. As will be seen from these envelopes, the last numbered one of which also bears a rubber stamp in red ink (noting change of address) the defendant is the librarian of the O. E. C. at 1443 Q Street, N. W., the Center's home and headquarters for years, and said referred to envelopes further show that under cover thereof the defendant has been sending out matter pertaining to the business of the Center's library, which is now claimed by said defendant as his own individual property. That so, too, with regard to the mail sack, which plaintiffs are advised, and believing aver, bears a tag showing that the sack at least belongs to the Center, and that the mail matter pertaining to the business of the library goes out therein to the post office marked as mail matter belonging to the Oriental Esoteric Center.

32. As a further illustration of the said defendant's use of

plaintiffs' name, and the almost hopeless confusion resulting therefrom, with its consequent and attendant loss upon said plaintiffs, and each of them, due to the defendant's claim of ownership of library and effects now advanced by him, see the attached letters and postal cards from would be patrons of the "Center", which are addressed to the "Center" asking for information from the "Center" respecting its Library; which said inquiries are made continuously up to the present time, and are marked "Plaintiffs' Exhibit U", which said Exhibit is prayed to be considered as a part hereof as though fully and at large appearing herein.

To the same point, see the letters, postal cards, etc., from patrons of the "Center" who supposed they were dealing with the "Center", as more fully appears from the addresses thereon, which said letters, postal cards, etc., all refer to the "Center's" library work, and the buying and purchasing of books therefrom, etc., which was all done in the name of the "Center" as will more fully and at large appear from said letters, postal cards, etc. attached hereto, marked "Plaintiffs' Exhibit V", which said exhibit is prayed to be considered as though fully and at large appearing herein.

As further illustrative of the same point, and as showing the untoward results that would follow to plaintiffs and each of them, should the defendant continue to maintain the position he now unlawfully assumes, of dissevering what in the past was one work, to the end that he might enjoy by way of personal gain, the benefit and advantage to him personally of such disseverance, ^{appears} these herein referred-to letters ^{which} are all addressed to the "Society", are all answers to advertisements the said defendant has ^{heretofore} inserted in the different magazines and journals of the day, and all bear date of 1912, which was after the affiliation of the "Center's" library work with the "Society" for purposes of convenience, as hereinbefore have been fully set forth. Said letters are attached hereto and marked "Plaintiffs' Exhibit W" and the said Exhibit is prayed to be considered as a part of this paragraph as though fully and at large set out herein.

Again, and to the same point, see the following letters, etc. addressed to the "Society" and asking for information, all of

which said letters, etc. bear date of 1912, all have been written since the affiliation of the library of the "Center" with the "Society" has been made known by advertisements and notices inserted and circulated by the defendant, and all show that the would-be patrons, or in some cases actual patrons, considered that the library work was being carried on under and by its known of affiliation with the "Society" as aforesaid. Said letters, etc., attached hereto, are marked "Plaintiffs' Exhibit X" and are prayed to be considered as though fully and at large set out herein.

And yet once again to the same point, and merely by way of illustrating ^{on of} the thousands of letters, etc., which are in fact steadily received, which show that the public generally are firm in their belief that the library work, belonging to the "Center" as aforesaid, has been affiliated with the "Society" for business purposes, and as these said latter referred to letters show more fully and completely as to this point, they are attached hereto marked "Plaintiffs' Exhibit Y", and the said exhibit is prayed to be considered a part of this paragraph as though fully and at large set out herein.

33. That from the confusion of names thus brought about by the said defendant, the "Center" has been receiving publisher's notices, etc. similar to what is indicated on the envelope in which one of them came, which is marked "Plaintiffs' Exhibit Z" and prayed to be considered as a part hereof as though at large set out herein; that likewise, publishers' bills, contracted by defendant as librarian have been sent to the plaintiffs, as is better and more at large shown by accompanying bills and notices of outstanding accounts, in which the plaintiff "Society" has been charged therewith, as further and more at large appears by reference thereto, which said bills and notices as aforesaid are prayed to be considered as part hereof as though fully and at large set out herein; that confusion of money matters is just as common, as is better and more at large shown by reference to the envelopes and letter marked "Plaintiffs' Exhibit A¹", from which it appears that the sender, Juan Antonio van Grieken, believed that the library and "Society"

were one and that he sent a check of the value of twenty-five francs for his annual dues to the "Society", and the remainder for books, which he evidently thought belonged to the "Society". The envelope went to the defendant, was opened by him and at first retained by him. Later, so much of the money as covered membership dues in the "Society" was transferred by the said defendant to the said plaintiffs. The letter, however, accompanying the remittance from Mr. van Grieken, although plainly addressed to the President of the "Society" by name, and of course intended for the use of that "Society", was nevertheless retained and by the said defendant/after being filed by him, was some time later only recovered for the "Society" upon personal application. From this letter it appeared that the remittance made by the defendant to the "Society" was short \$.30, which deficit upon being called to the attention of the said defendant, was afterwards made good by him. Such illustrations are of constant and frequent occurrence, and result from the confusion wrought by defendant's present conduct and claim to personal ownership of the "Center's" library; as from previous acceptance of the trust of librarian for the "Center" by said defendant, and his then extensive advertising to the effect that the library and its property were a part of the "Center"; he, said defendant, has himself imparted the knowledge as to the oneness of the library's work with that of the "Center", or the "Society", with which said library work was afterwards affiliated, as aforesaid.

34. And as further illustrative of the confusion engendered by the position said defendant has seen fit to assume, there has just recently been a lot of advertising matter sent out by the said defendant, which has been returned to the plaintiffs by the post-office authorities, as further and more particularly appears by reference to the return envelope addressed by the post-office authorities, which, with a part of the contents consisting of a circular showing defendant's present-day trend towards theosophy, and a postal card addressed to the Librarian of the Oriental Esoteric Library, 1443 Q Street, N. W. marked "Plaintiffs' Exhibit B1", and are prayed to be considered as though

particularly and at large appearing herein.

35. On the circular sent out by the defendant, marked "Plaintiffs' Exhibit C¹", which is attached hereto and prayed to be considered as though at large set out herein, there appears on the face thereof this notation: "These prices do not apply to loaned books. Address Librarian, O. E. L., 1443 Q Street, N. W., Washington, D. C., and on the reverse side said circular bears the direction to address inquiries and make remittances payable to the Librarian, O. E. C. Plaintiffs and each of them charge that up until the said defendant became separated from the "Center" and "Society", as aforesaid, he was the sole librarian of the "Center", and later, when said "Center's" library work became affiliated with the "Society", as aforesaid, said defendant, by virtue of his position as librarian of said "Center's" library, was still entrusted with ^{its} the care and management after its affiliation with said "Society", as aforesaid; and plaintiffs, and each of them charge that this library, as now claimed by said defendant, is the same library started by said unincorporated "Center" in the Fall of 1905, as aforesaid, and is the only library used in connection with the said "Center's" esoteric work.

36. That on or about May 28, 1912, plaintiffs, through their President, called upon those in authority in the United States Post Office and laid claim to mail addressed to the Oriental Esoteric Library as belonging to plaintiffs, but inasmuch as the mail for the library had been addressed to 1443 Q Street, N. W. right along, on account of its being plaintiffs' home and headquarters practically ever since their work had been started, as aforesaid, the postmaster refused to change its direction until plaintiffs' right to control its disposition had been established and continued to send mail addressed to the Oriental Esoteric Library, to 1443 Q Street, N. W., which more particularly appears from the letter from the postmaster, which is annexed hereto marked "Plaintiffs' Exhibit D¹", and the same is prayed to be herein considered as though at large set out in this paragraph.

37. As the said defendant has removed the library, its belongings and effects to 1207 Q Street, N. W., and the plaintiffs moved back into their own home and headquarters at 1443 Q Street, N. W., it would appear that the situation is still more complicated, under the section of the Postal Regulations as pointed out in plaintiffs' last referred to Exhibit D¹.

38. As has already been seen, all mail, money orders, checks, etc., sent to the Library but belonging in reality to plaintiffs, is claimed by this defendant herein, and he is sending out notices broadcast that all checks and money orders must be made payable to the Oriental Esoteric Library, plaintiffs' name, or to the Librarian O. E. L., again the name of plaintiffs' officer and library, and the said defendant is further threatening that the names of the "Center" or the "Society" must not be used in remitting, and all checks so drawn, will be returned for correction; thus leading not only to a state^{of}/inextricable confusion, but irreparable loss to plaintiffs.

39. Plaintiffs have again notified the postal authorities that any mail addressed to any one of their foregoing corporate names, which includes that of the Oriental Esoteric Library, whether addressed as formerly at 1443 Q Street, N. W., or bearing the changed address at 1207 Q Street, N. W., must be delivered to plaintiffs at 1443 Q Street, N. W.; as otherwise plaintiffs are afraid of serious interference with their work, and an interruption to their business and that consequent irreparable loss and injury will result to them and each of them.

40. That in and by Postal Regulation Number 646, it further appears that when a contention arises as to the delivery of mail matter, the postmaster being forbidden by one party to deliver to another, the postmaster should require the appointment of a Receiver, retaining all mail matter until said Receiver is appointed; and if no such Receiver is appointed, or no agreement between the contending parties is reached before the expiration of thirty days from the date when de-

livery ceased, the mail in dispute, and all that may arrive thereafter (until an agreement is made or receiver appointed) shall be sent to the Dead Letter Office marked "In dispute".

41. Inasmuch as the daily mail coming to the Library is very heavy, and the money orders, check, etc., amount to between \$40. and \$50. a day, which money enables the carrying on of the work, and as the entire Library business consists of selling and loaning books on request, thousands of which are out in circulation and in course of being returned to the Library, it can readily be seen that any cessation of such business though only for a few days, would lead to hopeless confusion and irreparable loss to plaintiffs.

42. Unless, therefore, Receivers are appointed who are familiar with the work and the method of carrying it on, and who will take charge from the post office of all mail addressed to the Oriental Esoteric Library, or Librarian O. E. L., whether at 1443 Q Street, N. W. or 1207 Q Street, N. W., and further who will see that telephone calls, etc. affecting said plaintiffs' business are properly attended to and who will carry on plaintiffs' library business pendente lite, irretrievable loss and confusion insurmountable will result to plaintiffs' said library business.

Wherefore, the premises considered, plaintiffs pray:

- First. That process may issue to the defendant commanding him to appear on a day certain and answer the exigencies of this Bill; answer under oath being hereby expressly waived.
- Second. That the name of the Oriental Esoteric Library be decreed to belong to plaintiffs, and that the library itself -- consisting of books, manuscripts, library mailing lists, with its book borrowers' list, its inquirers list, together with its card list of ledger accounts belonging to said library, its card list of borrowers from said library, with the names of books borrowed, etc., and also the correspondence files relating to the library business and the publishers' list, all and every of them pertaining to the library's business -- be turned over to plaintiffs by decree of plaintiffs' ownership therein, by this Honorable Court.
- Third. That the said defendant be restrained pendente lite and permanently from the further use of the

plaintiffs' name the Oriental Esoteric Library.

- Fourth. That the said defendant be restrained pendente lite from transferring any of the library's business of any sort soever to his own personal files or for his own personal use or of transferring the same to any other person or persons, corporation or corporations whatsoever; and that said defendant be further restrained from carrying on the aforesaid library business under the name of the Oriental Esoteric Library, or ~~any other name~~ or names.
- Fifth. That said defendant be restrained pendente lite from the further use of telephone No. North 250, which is listed in the name of plaintiff, Oriental Esoteric Center, and belongs to the said "Center".
- Sixth. That the said defendant be decreed to account to the plaintiffs for the trust fund made up from the loan and sale of books, manuscripts, etc. belonging to the library since its formation in the Fall of 1905, and of which the said defendant has since had charge and over which he has likewise since exercised full and entire control, as librarian for the "Center" throughout the time said defendant has occupied said position of librarian for said plaintiffs, and that said defendant be further decreed to account for any other money or moneys that may have come into his possession in trust for plaintiffs during said defendant's incumbency of office as librarian for said plaintiffs.
- Seventh. That all proper and necessary references may be taken to the Auditor of this Court for a statement of account concerning said library and its business, as aforesaid, and the proper apportionment thereof as to equity may seem fair and just.
- Eighth. That Receivers be appointed to take charge of the entire business of the library now being conducted by the defendant under plaintiffs' name of the Oriental Esoteric Library, who shall be skilled sufficiently in the management and conduct of said library business as to be able to take charge thereof and continue its said conduct and management pendente lite.
- Ninth. That proper books of account be kept showing the actual daily receipts from said library business, as well as all disbursements made.
- Tenth. And for such other, further and general relief as to equity may seem fit and the nature of the cause may require.

Leonard M. Matthe

Engineer to Brokers
Attys for Plffs.

Agnes E. Marsland.

DISTRICT OF COLUMBIA, to wit:

Before the undersigned, a Notary Public in and for the aforesaid District, personally appeared Agnes E. Marsland, who deposes and says that she is the present President of the four foregoing corporations, as set out in the accompanying Bill, viz., the Oriental Esoteric Center of the United States of America, the Oriental Esoteric Society of the United States of America, the Oriental Esoteric Library of the United States of America, and the Oriental Esoteric Library, and has been such since their incorporation; that as said President, she makes this her verification of said Bill and says that said corporations were chartered under the laws of the District of Columbia, and are now, ^{the} and have been since their said incorporation, doing/business for which they were incorporated, and are now in full force and effect; that she has read the foregoing Bill, by her subscribed, and knows the contents thereof; that the matters and things therein stated as of her own knowledge are true, and those set forth on information and belief, she believes to be true.

Agnes E. Marsland.

Subscribed and sworn to before me, this 2 day of
October, 1912.

Don T. Summers,
Notary Public

EQUITY NO. 31,317.

ORIENTAL, ESOTERIC CENTER
OF THE UNITED STATES OF
AMERICA, a corporation,
et al,

VS.

HENRY N. STOKES.

FILED

OCT 30 1912

W. J. Long
clerk

ANSWER TO RULE TO
SHOW CAUSE
and

EXHIBITS.

Jedrie, Cox & Kratz,
Attorneys for Defendant.

FILED

OCT 30 1912

DISTRICT OF COLUMBIA, TO-WIT:

I, Edith C. Gray, being first duly sworn on oath *J. R. Young*
state as follows:

B
I am familiar with the work conducted both by Miss A. E. Marsland and Dr. H. N. Stokes for the diffusion of knowledge of esoteric philosophy and occultism, from the month of February, 1906, up to the Summer of the present year, 1912. From February, 1906, to May, 1908, I attended open lectures given by Miss Marsland as the representative in Washington of the General Inspector of the Supreme Council of the Order of the Initiates of Thibet, who had his headquarters in Paris, France. From May, 1908, to the Summer of 1910 I was a foundation member, a member of the directing council and secretary of the Oriental Esoteric Head Center of Washington, which was founded by the said General Inspector and under obedience to the Supreme Council of the said Order. From April, 1910, to the Summer of 1912, I was trustee incorporator and corresponding secretary of the Oriental Esoteric Society, a corporation; and from August, 1910, up to the present I have been a trustee or director and secretary of the Oriental Esoteric Center of the United States of America, a corporation.

During all of said time and up to about the middle of September of the present year, Dr. Stokes conducted a library in his house at 1443 Q Street, N. W., the primary purpose of which was the circulation and sale of books and literature relating to Oriental Esoteric philosophy, occultism and ethical and religious subjects. Prior to the Summer of the present year the exclusive and absolute right of Dr. Stokes to the title and control of said library was never to my knowledge questioned; and neither said Oriental Esoteric Head Center, Oriental Esoteric Society or the Oriental Eso-

Exhibit B

teric Center, Incorporated, or any person other than Dr. Stokes connected with either of said organizations ever, to my knowledge, asserted any right or title to said library, to any interest in it, or to any control over it.

From February, 1906, to May, 1908, there was no organized Center in Washington. The only work which was purported to be done under the direction of the Order of Initiates of Thibet from 1906 to 1908 were the open lectures delivered by Miss Marsland in the Q Street house, which Dr. Stokes provided for her use. In 1906 Dr. Stokes had at this house two or three shelves of books which he loaned for hire from time to time to persons who attended Miss Marsland's lectures or who were interested in occult study. These books included his private library and a few others given to him by persons who saw the use he was making of his books. He gradually increased the number of his books and in 1907 began to loan and to sell books by mail, advertising as the Library of the Oriental Esoteric Center and sometimes as the Library of Occultism.

In 1908 the Oriental Esoteric Head Center of Washington was reopened under the direction of the General Inspector, with ten foundation members, who formed its directing council, Dr. Stokes holding the office of Deputy. It was then recognized that his library would be the principal agency through which prospective members could be brought in touch with the Center, and Miss Marsland desired and sought to have Dr. Stokes designated as Deputy and Librarian. The general regulations of the Order, however, made no provision for such an officer as a librarian or for the conduct of a library on a commercial basis, and the General Inspector of the Order disapproved of Miss Marsland's recommendation and refused to allow Dr. Stokes to be appointed or recognized as librarian of the Center. Notwithstanding this action,

however, in order to keep the Center before the public, Dr. Stokes advertised his library as the Library of the Oriental Esoteric Center and was frequently referred to as Librarian of the Center, not because the title was official but because it enabled the Center through this use of its name to have the benefit of the advertising that Dr. Stokes gave the li-
He also advertised as the Library of Occultism.
brary. / In this way great numbers of people who had never heard of the existence of the Center came in touch with it, were subsequently induced by Dr. Stokes to join the Center, and it was with this end in view that the library and Center were identified as closely as possible in the advertising. The members of the council fully understood this to be the true state of affairs.

In April, 1909, Dr. Stokes gave up his position with the United States Government to devote himself more fully to the business of his library. A year later Miss Marsland and other members of the Center caused a corporation, known as the Oriental Esoteric Society of the United States of America to be organized, and caused the "Bulletin", which had theretofore been published as the organ of the Center and recognized as its property, to be transferred to this Society. Thereafter Dr. Stokes designated his library as the Oriental Esoteric Library, the designation, Library of the Oriental Esoteric Center, being practically, if not altogether, abandoned; and he advertised it in the bulletin as "affiliated with the Oriental Esoteric Society". It was suggested at that time that Dr. Stokes advertise the library as the Library of the Oriental Esoteric Society, instead of Library of the Oriental Esoteric Center, by which term it had theretofore been most frequently advertised,
at least not to any considerable extent,
but the suggestion was not followed / because some of the members of the Society objected so to holding out the library

on the ground that the Society might become liable to third persons for debts which Dr. Stokes might incur in connection with its operation. Dr. Stokes continued, as before, to meet the expense of the publication and issuance of the Bulletin, using a section of it for the advertisement of the library and for the publication of such articles as he desired. This close association of the library with the Society was undoubtedly of great aid to the Society, as it had been to the Center, bringing to the Society a vast amount of publicity and a continuous increase in its membership, probably 95% being brought in through this agency and Dr. Stokes' personal letters.

The leaflet, published by the Center until the organization of the Society and after that date by the Society, was called the "Bulletin of the Oriental Esoteric Center" and it was mailed as second-class matter. The incorporation of the Society was disapproved by the authorities of the Supreme Council of the Initiates of Thibet, who refused to recognize it or allow it to be associated with the work of the Order, finally expelled the officers of the Center and closed it, and threatened to proceed to prevent the Society from using the name of the Center, or claiming to be connected with it. Not desiring to change the name of the Bulletin, because of the belief that if changed there might be some difficulty in continuing to mail it as second-class matter, and fearing that the General Inspector or his representative would proceed as he threatened, Miss Marsland and some of her associates proceeded to organize a corporation known as the Oriental Esoteric Center of the United States of America, and thereafter certain of the members of the council of the original Center, who had been deposed by the decrees of the General Inspector conveyed or attempted to convey to the new corporation their interest in the property rights of the original Center. The library

was not, however, considered part of the property of the original Center but the property of Dr. Stokes, and that no attempt was made to transfer it is made clear from the fact that the property transferred was estimated to be of the value of only \$400.00, while the value of the library at that time reached into the thousands. This corporation, Oriental Esoteric Center of the United States of America, has never had any connection whatever with the Order of the Initiates of Thibet, was organized solely with the view to protect its incorporators against that Order in the use of the name Oriental Esoteric Center, did no work except elect officers up to the Summer of 1912, and was disowned and repudiated by the General Inspector.

During all the foregoing period from 1906 to 1912, the library was under the entire control of Dr. Stokes, who provided quarters for it in his house. With the exception of a handful of books given to him at the outset, he purchased all the books it contained, he paid the salaries of all employees, of which there are now about twenty, and paid all advertising bills and all expenses of every kind incident to its operation; and while both the original Center and the Society benefitted largely by his work, the service rendered was entirely voluntary on his part and he was not accountable ^{to} or subject to the control of, either the Center or the Society.

Edith B. Gray

Subscribed and sworn to before me this 19th day
of October, A. D., 1912.

Annie E. Brakes
NOTARY PUBLIC, D. C.

*Province of Ontario
County of York*

TO-WIT:

FILED
OCT 30 1912

*J.R. Young
Clerk*

I, Ernest N. Brown, being first duly sworn on oath state as follows: I was a foundation member of the Oriental Esoteric Head Center of Washington from 1908 to 1910, which was a semi-religious, voluntary association. It was an unincorporated body, organized under rules and regulations prescribed by an Order known as the Initiates of Thibet, to which it was subject and of which it was a Center, to the rules and regulations of which all its members subscribed, and was under the direction and control of the General Inspector of the Supreme Council of said Order, who had his headquarters in the City of Paris, France, and by whom the Head Center had been founded.

On account of my experience and business training, Miss A. E. Marsland, who claimed to be the representative of the General Inspector, was anxious to have me take an active part in its financial affairs, and caused me to be selected as a member of the Directing Council and designated as First Councilor therein. Subsequently, I was elected Vice-President. During the period of my membership, I was brought into intimate touch with the financial end of the work. The Center had no capital and depended for its support entirely on dues and contributions from its members. It was frequently found very hard to keep within the limits of the income and deficits were frequently made up by me and by Dr. H. N. Stokes, who was also a member of the Directing Council, with the title of Deputy. He was perhaps the most ardent supporter which the Center had and from time to time contributed very largely to its support.

When I became associated with the work, Dr. Stokes had a circulating library, which he conducted from his house at

"Exhibit C"

1443 Q Street, Northwest. The Center also had its headquarters at Dr. Stokes' house. The Center had no control whatever over this library, made no contributions to its support, and received no accounting from it. It fully recognized at that time that the library belonged solely to Dr. Stokes and represented his personal work; and when plans for the construction of a temple were under consideration by Miss Marsland, although the Library then employed a considerable force of clerks, no account whatever was taken of it in the projected plans for the Center.

Under his direction, the business of the Library grew to such an extent that in the year 1909 he resigned a lucrative position with the United States Government in order to devote his entire time, energy and capital to this work. He used his Library to further in every way he could the work of the Center. He made a specialty of providing and advertising books which would interest readers in the work of the Center. He freely advertised the Center in connection with the Library; in fact, for the purposes of advertising the Center, he practically loaned the Library to it and in many of his advertisements, I think, called it the Center's Library. All, or practically all, the advertisement received by the Center was that given in the advertisements of the Library, which were published wholly at the expense of Dr. Stokes, and in a leaflet known as "The Bulletin", which was published in the name of the Center, which also carried the advertisements of the Library, and which was published at the expense of Dr. Stokes, the Center scarcely contributing enough to pay the cost of mailing the same to its members.

About the year 1910, a controversy arose between Miss Marsland and the General Inspector as to the admis-

sion of members, election of officers, and other matters relating to the conduct of the Center, which matter, in accordance with the rules and regulations of the Order was subject to the approval of the General Inspector. In order to free herself from the control of the Order in these matters, she caused the Oriental Esoteric Society to be incorporated, with the idea that this society should be a preparatory body to prepare candidates for admission to the Center. The dissension aroused by this and other actions taken under the direction of Miss Marsland resulted in the removal of her and her followers from their offices in the Center and their expulsion from membership in the Order. The Center was thereupon temporarily closed by decree of the General Inspector and Miss Fannie C. Willis was designated by him, on behalf of the Order, to take charge of the Center, with all its property, until such time as it should be properly and regularly re-opened. Miss Marsland thereupon caused a corporation to be organized known as the "Oriental Esoteric Center of the United States of America", the incorporators of which had been expelled from original Center which alone was part of and subject to the "Order of the Initiates of Thibet", and she also sought to cause all the property of the original Center to be turned over to her incorporated society or incorporated center, and to transfer all the members of the original Center to the society, without the non-resident members knowing anything whatever of the expulsion of her and her followers from the original Center, and from the Order of the Initiates of Thibet.

In none of the discussions relating to these changes was it ever suggested or intimated, so far as I ever heard or knew, that the Library, which Dr. Stokes was running

at his own expense, belonged to the original Center. No attempt, to my knowledge, was made to transfer it to either of the new corporations. On the contrary, from and after the incorporation of the Society, the Library, which was then called the Oriental Esoteric Library, was advertised merely as being "Affiliated with the Oriental Esoteric Society".

Ernest N. Brown

Subscribed and sworn to before me this 14th
day of October, 1912.

Wm. Douglas

A Notary Public in and
for the Province of
Ontario —

STATE OF WEST VIRGINIA, COUNTY OF OHIO, CITY OF WHEELING, TO-WIT:

On this 14th day of October, A. D. 1912, personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, E. C. Ewing and Margaret W. Ewing, both being personally known to me, who having been by me first duly sworn, deposed as follows:

About the month of December, 1908, they became members of the Oriental Esoteric Center of Washington, D. C., the headquarters of which were at 1443 Q. St., N. W., Washington, D. C. Sometime thereafter they were elected members of the Council, which was the governing body of the Center, and they continued as members of said Council until the year 1910.

As members of said Center and Council, they were present at deliberations affecting the financial matters of the Center, were familiar with its affairs and management and had personal knowledge with reference to the library which was used in connection with and in the promotion of its work. They always understood that said library was the personal and private property of Dr. H. N. Stokes, that it was purchased and maintained by him from his private funds, and that neither the Center nor the Council had any property right in said library or in the operation thereof; and while they were members of said Council, neither said Center nor Council ever made any claim to said library or attempted to exercise any control over it.

E. C. Ewing
Margaret W. Ewing

Taken, sworn to and subscribed before me this day and year above written, as witness my hand and notarial seal.

Ed. W. Westwood
Notary Public.

My commission expires Dec. 31, 1914

"Exhibit 2"



STATE OF MICHIGAN,
COUNTY OF Lenawee

ss.

Alma Louise Lynn

ACT 30 1912

being duly sworn, depose and say:

Alma Louise Lynn

1:— That the Library has always been
Mr. Stokes affair and in no
way subject to the direction of the Center
according to the best of my knowledge

2: That the transfer by the Foundation
Members of the old Occultic Esoteric
Head Center property to the Incorporated
Center, after the dissolution of the O.E.
Head Center, did not and was not at
the time understood to include the Library

3:— That a rough estimate of the value
of the property of the property of the Center
was made at the time of the transfer
amounting to about \$400,000. Nearly about
\$46,000. The portion which was placed
to Miss Willes in settlement of her debt
as Foundation Member, in case she
decided to accept it.

and further the deponent says, not.

Alma Louise Lynn,

Affiant.

Subscribed and sworn to before me, this fourteenth day of

October.

1912.

Henry C. Kitan

Notary Public, County of Lenawee Mich.

My commission expires 1910

My commission expires Dec. 16, 1914

Emil E.

DISTRICT OF COLUMBIA, TO-WIT:

Personally appeared before me, the undersigned, a Notary Public, Mrs. Mary Elise Bingham, who being first duly sworn on oath deposes as follows:

She has been a resident of the District of Columbia for the past four years, her present address being 1022 Vermont Avenue, Northwest. About the year 1907 or 1908 she became a member of the Oriental Esoteric Center of Washington, D. C., which had its office or quarters at 1443 Q Street, Northwest, and about the same time she also became a member of the Directing Council, which was from which Council she resigned about two years later. the governing body of said Center. The said Center was a branch and subject to the control of the Order of the Initiates of Thibet. The Center was an unincorporated, semi-religious, voluntary association, and was governed by the rules and regulations of said Order and under the direction of the General Inspector of the Supreme Council of said Order, who had his headquarters in Paris, France. The headquarters of the Center were in the house of Dr. H. N. Stokes. In addition to providing the house for the use of the Center, Dr. Stokes conducted a circulating library therein, which he used in co-operation with the Center and in furtherance of its work. This library was, so far as I ever knew, under the control and supervision of Dr. Stokes. The library was at no time discussed by the Council during my membership therein, and it was not claimed or suggested by anyone connected with the Center, in my presence, that the Center had any control whatever over said library, but it was recognized by all the members of the Council that Dr. Stokes, through the library, was rendering the Center a very valuable service.

"Exhibit C" Mary Elise Bingham

FILED
OCT 20 1912

J. R. Young
Notary Public

Subscribed and sworn to before me this 14th day of October, A. D., 1912.
Notary Public, D. C.
Gustave Ellis

DISTRICT OF COLUMBIA, TO-WIT:

I, Sarah F. Fitzgerald, being first duly sworn on oath state as follows:

I was President of the Oriental Esoteric Head Center of Washington, which was organized under the direction of the General Inspector of the Supreme Council of the Initiates of Thibet, prior to 1904. When a library was started in a small way by Dr. Stokes at 1443 Q Street, N. W. about 1905 or 1906, I remember giving three books, "Ghostland" and ~~"What's All The World A Seeking"~~ *Harmonies of Evolution* being among the number. These books were donated by me to Dr. Stokes for his library. There was no active Center in Washington at that time, there had been no library while I was president, and I understood that the library belonged to him.

Sarah F. Fitzgerald

Subscribed and sworn to before me this 21st day of October, A. D., 1912.

E. J. Hauer
NOTARY PUBLIC, D. C.

"Exhibit G"

Washington, Aug. 14, 1908.

RECEIVED
OCT 20 1912

My dear Sister:

x x x x x x x x My personal feeling is that the end of the Oriental Esoteric Center as a broad practical force has come and just at the moment when it was most promising. x x x x What further there is back of this, I do not know, but I know that every doubt and suspicion I ever had as to the forces back of this particular work have now come to the front and are persuading me not to sacrifice my library one bit for anything which even at the best must be an uncertainty to me at present. I have thought of a provisional program for myself, which I hope you will be willing to talk over with me in the spirit in which we have so long worked together.

I. The publication of the blotter and leaflet, and their distribution, as well as necessary advertising, to be carried on at the expense of your friends--whoever they are; the amount so saved to be devoted to pushing the mailing library, to paying office expenses, and to keeping me out of the hole into which said friends have placed me.

II. The advertisements of the Center in various periodicals to be replaced by smaller ones, but more of them, stating that books may be borrowed free, etc, but without reference to the work of the Center, which would take too much space, besides introducing complications.

III. Arrangement with any reputable and well established occult organization, with a future before it, such as The Theosophical Society, The Vedanta Society, to carry on the work under their patronage.

IV. My practical withdrawal from the work of the Oriental Esoteric Center, and devotion to circulating literature exclusively.

V. Reorganization of my work and revision of printed matter etc, in accordance with the above. x x x x x x x x

If you had given me your confidence, x x x x x x and had discussed ways and means and the needs of your work with a little patience x x x x with the forces which were slowly but surely working in the right direction for the Oriental Esoteric Center, there would have been no break in its progress. But your abrupt action in the matter, no opportunity for discussion, no explanation further than it took too much of your time to concern yourself with my affairs, has brought about a condition which will not be reasoned down. I have hesitated whether to write or simply to let things go their own way. On the whole it seemed better to do what I could towards opening the way towards an arrangement which might be satisfactory to both of us and which would enable you to devote more time to your work, and to have better facilities and freedom from anxiety, while it would also make it possible for me to work with the old Esoteric Center as well as in the field which has opened itself for me.

Yours fraternally,
(s.) H. N. Stokes."

"The Windmere, Rehoboth, Del.
Aug. 15th, 1908.

My dear Brother:

x x x x x x x With regard to your provisional program which you ask me to discuss, I notice that the first item is untrue in the last clause, since no one has put you in any hole, unless it

"Ephraim J."

DISTRICT OF COLUMBIA, TO-WIT:

I, Fannie C. Willis, being first duly sworn on oath state as follows:

I have been closely associated and identified with the work of the Order of the Initiates of Thibet, from its beginning in Washington about 1902. I was one of the foundation members of the Oriental Esoteric Head Center of Washington when it was re-opened in 1908, a member of its Directing Council and General Secretary. In 1910 I resigned as General Secretary and was made Member of Merit of the Order. After the incorporation of the Oriental Esoteric Society and the expulsion from the Order of those connected with said Society, I was made Representative Delegate of the General Inspection of said Order, in charge of the work of said Order in the United States.

I have been familiar with the work of Dr. H. N. Stokes in the conduct of a circulating library since it originated in 1905, and fully understood its relations to the Center. The library was always understood to be his exclusive property and at no time did the Center attempt to regulate the library or to exercise any authority over it. The use of the letter-head of the Center and its name in his advertisements, correspondence and printed matter was recognized as being to its great advantage in making its name and work known to the public and in securing new members. In 1910 Miss Marsland and others, who had been expelled from the original Center, undertook to transfer their interest in its property to the Oriental Esoteric Center, which had been incorporated by Miss Marsland and her expelled associates. The library at that time was not claimed by them or intended to be transferred, the value placed by them on the property they attempted to transfer being only about \$400.00, whereas the library alone must have had a value of several thousand dollars.

Fannie C. Willis

Subscribed and sworn to before me this 23rd day of October, A. D., 1912.

Annie C. Brakes
NOTARY PUBLIC, D. C.

"Ephedra"

be yourself, certainly not those whom you repeatedly call "your friends" meaning mine but not yours.

No. II. You are already doing.

No. III. You have tried before.

Nos. IV and V - lie entirely in your own sphere. I cannot advise you in anyway. You must do what you think is right, and whatever you do you may count on me to help you all I can. x x x

Yours fraternally,

(s.) A. E. Marsland."

This Agreement, made this Fifth day of September

A. D. 1908, between A. D. ADDISON of the first part and

Henry N. Stokes

of the second part:

WITNESSETH, that the said part y of the first part do hereby demise and let unto the said part y of the second part as a tenant for the term of one year beginning on the First day of October, A. D. 1908

the Dwelling

and premises known as No. 1443 Q Street, N. E.,
Washington, D. C.

That said part y of the second part hereby agree to take and hold the said premises as a tenant as stated above and to pay therefore for the said term the sum or rent of Five hundred and forty (540.00) Dollars, same to be paid monthly in advance in twelve equal monthly installments each of Forty-five (\$45.00) Dollars.

the first payment to be made on the 1st day of Oct. 1908, and the subsequent payments to be made in advance on the First day of each and every month. The said part y of the second part agrees that he will pay all gas and water-rent bills chargeable against the premises during his occupancy; that he will not use the said premises, or any part thereof, for any unlawful or dangerous purpose, but will occupy the same only as a dwelling and will not sub-let the premises, or any part thereof, or transfer possession thereof, carry on any business therein except as aforesaid without the written consent first had and obtained from the said part y of the first part, and at the expiration of his tenancy will deliver up the premises in the like good order in which they now are, ordinary wear and tear and damage by the elements only excepted.

The part y of the second part further agrees that if any installment of rent shall not be paid when the same shall be and become due and payable, as hereinbefore provided (whether demand shall have been made for the same or not), or if he shall in any other respect violate any of the conditions and covenants contained in this agreement, then it shall be lawful for the said part y of the first part to recover possession of said premises, the said part y of the second part hereby waiving all right to claim a thirty days' notice or other legal notice to remove from said premises.

It is further understood and agreed that the covenants and agreements contained in the within agreement are binding on the parties hereto and their legal representatives, and no waiver of one breach of any covenant herein shall be construed to be a waiver of the covenant itself, or of any subsequent breach thereof

It is further understood and agreed that the premises are not to be used as a boarding house and that no room rent or boarding signs are to be exhibited on the house or in front of the premises.

Witness our hands the day and year aforesaid to this and duplicate of like tenor and date.

Witness at signing:

A. D. Addison
Henry N. Stokes

May 10th, 1912.

Dr. H. N. Stokes, Vice President O. E. A.

My dear Brother,

I have been much grieved for many months past to see your gradually waning interest in the work of the Society and the Holy Cause, and to observe your present attitude of criticism and want of confidence in its Leadership.

We all give you credit for good intentions, and believe that you are obeying the judgment of your conscience in the stand that you are now taking. Under the circumstances, however, since you can no longer endorse the ideals and teachings for which the Society has always stood, it will be impossible for you to work harmoniously with the body of the Trustees in Love Union and Peace, as we are all pledged to do. What would appear Wisdom to you would seem Folly and Error to us; your temporary withdrawal from this position of responsibility will therefore be in order.

The By Laws of the Society have provided for this contingency in Art. 1. Section 4, "When any Member of the Corporation is unable to attend to the business of the Society he may be retired by a three fourths vote of the Board of Trustees. When such disability is removed he may be re-elected."

We are all deeply appreciative of the good work that you have done in the past, and regret with all our hearts the necessity for the present action. As an Active Member you will have the same right to serve the Society as you have always had, and to give it your moral and material support, without assuming responsibilities you cannot conscientiously perform.

Will you kindly remit to the Treasurer the amount of your promised contribution (which trusting to your word the Society has advanced) so that your name may appear upon the books in good standing.

Yours always fraternally,
A. E. Marsland,

President, O. E. S.

"Exhibit L"

"May 13, 1912.

FILED
OCT 30 1912

JR. Young
Lester

Dr. H. N. Stokes, Librarian,
1443 Q Street, N. W.,
Washington, D. C.

My dear Brother:-

77
In consequence of recent publications of yours which are adjudged to be detrimental to the best interests of the Oriental Esoteric Society, you are hereby notified that there is no longer any affiliation between this Society and your Library.

This relation being therefore annulled, we trust that you will take the necessary measures for removing from all of your printed matter, from the Critic, from all book-lists and circulars, the words "Affiliated with the Oriental Esoteric Society".

Fraternally yours,

A. E. Marsland,
M.E.S.

President, O.E.S."

"Epulet M

(Written on letter-head of Oriental Esoteric Society of the United States of America.)

May 20th, 1912.

FILED
OCT 30 1912

R. Young
clerk

Dr. H. N. Stokes,

My dear Brother:

76
Will you please make arrangements as early as possible to take the Society's name off the letters and announcements of the Library. Since our ideals and teachings are no longer in harmony, the Society is not willing for its name or symbol to be so used. Any paper that you may have on hand we shall be glad to purchase by arrangement if it would be agreeable to you.

Perhaps you could arrange to have on our paper a few only of the slips Leopold is now making and the rest later when you have your own letter-heads.

Yours fraternally,

A. E. Marsland,
M.E.S. Pres."

"Exhibit 71"

(Written on letter-head of Oriental Esoteric Society of the
United States of America.)

Handwritten signature
OCT 30 1912
RECEIVED

"May 21st, 1912."

Dr. H. N. Stokes,
My dear Brother,

① In regard to the matter of which I wrote you yesterday, I hope I made it clear that the terms Oriental and Esoteric apply to the Society and, now that you have repudiated the most sacred teachings of Esoterism and pride yourself upon your Occidental methods, they cannot, in the interests of truth, be used on the Library letter-heads or other printed matter.

Yours fraternally,

A. E. Marsland,
Pres. O.E.S."

"Exhibit 5"

DELIVERY DIVISION

WHH

United States Post Office

WASHINGTON, D. C.

May 28, 1912.

FILED

DEC 30 1912

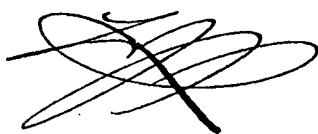
R. Young
clerk

Mr. H. N. Stokes,
Librarian, Oriental Esoteric Library,
1443 Q Street, N. W., Washington, D.C.

Sir:

P
Receipt is acknowledged of your communication of this date, relative to the disposition of mail addressed to The Oriental Esoteric Library, and in reply you are informed that Mrs. A. E. Marsland, The Hawarden, 1419 R Street, N. W., has today been advised that inasmuch as you dispute her right to control mail so addressed, it will continue to be delivered to you until she shall have established her right to control its disposition.

Very respectfully,



J. A. Merrill

Postmaster.

2-JD

"Exhibit P."

(On letter-head of Oriental Esoteric Society of the United States of America.)

"June 13, 1912.

Dr. H. N. Stokes,
1443 Q Street, N. W.,
Washington, D. C.

My dear Brother,-

I have received the current issue of "The Critic" and regret to note that the words "Oriental Esoteric" still continue to appear in the Title of the publication. I am also sorry to observe your continued use of our library name.

This use of our name cannot longer be permitted, for you can very readily see that it would but lead to a confusion that would be detrimental to us both.

You are still an active member of the O. E. Society, and, as such, it is your privilege, and, might I add, your duty, to "give the Society your material and moral support according to the extent of your powers".

Surely, you would aid, rather than hinder the good work, and this confusion of names is but a drag on all our efforts, -- yours, in the carrying on of your work, which we would help in, if allowed; ours, to carry on the work of the Society, with your cooperation, and that of all who are willing to lend their aid in the endeavor.

As the meetings of the Society have been discontinued for the summer, a committee has been appointed to dismantle our Lodge-Room and remove all the effects of the Society from your home. If convenient to you, this will be attended to between now and next Monday or Tuesday.

Will you please gather together any books or records that you may have belonging to me personally, or to the Center, or the Society. There was an old Scrap-Book to which I contributed a number of leaflets in 1904 and 1905, and other data, and these I should like to have.

Yours fraternally,

A. E. Marsland,

President O.E.S."

"Epiphany"

"1443 Q Street, N. W.,
Washington, D. C.,
June 19, 1912.

Miss A. E. Marsland,
President, O. E. S.

Dear Miss Marsland:-

Referring to your letters of June 13 and June 18, 1912.

I sent to you the items in the scrap book to which you refer. I do not think I have anything else belonging either to the Center or Society, or to you personally. If I find any, I shall send them at once.

With reference to your objection to the use by the Library of the words "Oriental" and "Esoteric", I feel sure there are some points which you have failed to consider.

First. The incorporated name of the Society is "The Oriental Esoteric Society of the United States of America", while that of the Library is "The Oriental Esoteric Library," which is quite a different thing. The words "oriental" and "esoteric" are common English words, to be found in any dictionary. The incorporation of the Society gives it the right to the use, exclusively, of its name as a whole, but it does not give it the monopoly of the dictionary or of the English language, so as to debar others from the use of the common English words which may form a constituent portion of its title. All of these words are in common use by numerous societies, institutions and firms.

Second. The words "oriental" and "esoteric" exactly describe the class of literature of which the Library makes a specialty, and which, as you very well know, it is its chief aim to circulate. They constitute an advertisement, if you wish, for drawing to it the class of patronage which it desires.

Third. These words were in use by the Library long before either the Society or the Center were incorporated, and no objection was ever raised to their being used, and by their use the Library has built up a business in selling and loaning oriental and esoteric books.

Fourth. The Library is known everywhere, among thousands of people under this name, and to change it would lead to endless confusion.

Fifth. The Library is my exclusive personal property, as well as the business of whatever kind connected with it. It has been built up entirely at my expense and by my efforts, and the Society has never contributed financially in any way whatever. Besides, the patronage of the Library has been secured at my expense, through advertising. Far from the Library owing its existence or present standing to the Society, or being in any way under its control, the Library has given the Society an enormous amount of gratuitous advertising at a very large expense to itself and at an expenditure of money which could very well have been better employed, if considered from a commercial standpoint, in other ways. Fully nine-tenths of the membership of the Society consists of those who have joined the Society on my personal recommendation, as Librarian. Besides, I have in the past contributed very considerable sums to the expenses of the Society, either in my own name or that of the Library, and for several years paid practically all the costs of issuing and distributing the Bulletin.

Ernest C.

Sixth. The Library has thousands of dollars, probably, invested in printed matter, book catalogs, etc. all of which bear its present name, and which could not be changed or rejected without great loss.

Seventh. Under its present name the Library has accounts with a very large number of publishers here and abroad, and any change would only result in confusion.

Eighth. Such confusion as has resulted in the past in the public mind between the Society and the Library has resulted only because both the Society and Library encouraged people to think that they were affiliated. The use of the letterhead of the Society by the Library has not been of any special advantage to the Library, and while it may have caused some confusion, it was done solely with the object of spreading the name of the Society among the patrons of the Library. Any confusion which has resulted, therefore, has been to the advantage of the Society rather than the Library. With the pending adoption of a new letterhead, bearing the name of the Library only, such confusion will rapidly cease.

In short, the present name of the Oriental Esoteric Library not only does not conflict, in any legal sense, with that of the Society, but it also represents a fixed investment in capital and a large "good-will," which are my personal property, and which cannot be lightly laid aside or attacked.

If you will consider these points, I think you will understand that I have very cogent reasons, of a financial nature, for declining to change the name of the Library.

In order to be perfectly sure that I am right in taking this position, I have laid the matter fully before my attorneys, Messrs. Leckie, Cox & Kratz, and am assured that not only am I right in adhering to the present name from business considerations, but that there is no conflict legally considered, with the rights of the Society, and that the law and the courts would support me in the use of the present name.

Certainly it is my wish, as you suggest, to help the Society in any way that I feel that I properly can. I have no wish for anything but the most cordial relations with it. But I think that such relations would be decidedly enhanced by your dropping this matter of the name of the Library from now on.

Yours fraternally,

H. N. Stokes"

(On letterhead of Oriental Esoteric Centre of Washington, D. C.)

"June 26, 1912

Dr. H. N. Stokes, Vice-President O.E.C. Inc.,
1443 Q Street, N. W.,
Washington, D. C.

FILE
JUL 30 1912

Reformed

My dear Brother,

Your letter of June 19th has been communicated to me. The facts in the case are briefly these: Some seven years ago, our Center (at that time active in my person and through the open talks I was giving under the authorization of the General Inspection) committed to your charge the nucleus of a small loan library, the books of which had been contributed by various members of my classes. You undertook to increase this Library, to care for the books, and to collect the dues, all of which were to be turned back into the Library Fund.

All of these facts are clearly printed in our Bulletins, and these particular items were drawn up by yourself.

We have advertised the Library widely, sometimes devoting half of the space of the Bulletin to that purpose and to the publishing of Book-Lists. We have also permitted you to handle all the receipts that have come in without reporting the same in detail. We knew you to be a loyal brother, and we believed implicitly in all the asseverations that you made to the effect that you had no other interest than to aid the society and to help it carry out its aims.

All the documentary and other evidence in the case goes to prove indubitably that the Library is ours; therefore your Fifth contention is preposterous. If you had been called upon to act in the same capacity in "All Soul's Church" for example, do you imagine that you would have been allowed to claim the Church Library as your asset at the end of seven years, however much money you might personally have put into it?

I therefore, as President, demand an account of the present financial status of the O. E. Library in detail, and a list of its books, catalogues, etc., preparatory to our removing them.

Yours fraternally,

A. E. Marsland,

President, O. E. C."

"Exhibit"



ORIENTAL ESOTERIC CENTRE
OF
WASHINGTON, D. C.

1419 R St. N. W.
1443 Q STREET, N. W.

August, 1912.

Mr. Frank Mayo,
526 Hyde Street,
San Francisco, Cal.

My dear Brother:

There is, at the present moment, a crisis in the affairs of our Society in which you, as one of our most loyal Members, are called upon to act.

You will have noticed, if you read "The Critic", the claims that are being made by Dr. Stokes, the Ex-Librarian, to the Oriental Esoteric Library as his "own exclusive personal property"—claims which we cannot allow. Nor can we permit him to conduct his personal business under our name, as he still insists upon doing in spite of our protest.

The Oriental Esoteric Library is, as its name implies, the Library of the Oriental Esoteric Center. It was founded in 1905 by myself and certain of my students; and if you have any Bulletins for the years 1907--9 you will find it invariably spoken of in them as "The Oriental Esoteric Center Library", or the "Library of the O. E. Center". Dr. Stokes was officially named Librarian of the Center, October 5th 1909.

In May 1910, the Oriental Esoteric Center Library assumed the name of "The Oriental Esoteric Library", and was affiliated with the Oriental Esoteric Society, a sister Society which had also had its birth in the activities of the Center, and whose especial function it was to work actively in the world and disseminate the Truths given through the Center. These three are One, a veritable trinity in unity, and they cannot lightly be separated. They have grown up side by side and each is essential to the other and to the whole Work; and it is planned for the Library to return to its affiliation as soon as peace is restored.

You well know by your own experience, how vital an issue the Library is to our Members as well as to the public at large. It is indeed impossible for me as President to carry on the work efficiently without it. Nor is it just that any single member, however much energy and means he may, unsolicited, have put into it, should endeavor to take for himself "exclusively" the fruits of all our united work during these past seven years.

It is therefore proposed that each and all of our Members stand loyally shoulder to shoulder with the Directors and uphold them with their moral and material support in order to recover from Dr. Stokes the Center Library; or, if this should not be held advisable, then to provide ourselves with

"Exhibit I"

another library equal to the one we have always had.

Each Member is asked to contribute to this end \$10.00 (ten dollars). Those who can give more than this, will, I know, gladly do so; for the function and use of the Library is well understood and always appreciated for good, practical work. Those of our sincere well-wishers who cannot give so much should nevertheless send whatever they can to aid us at this crisis.

Contributions should reach us, if possible, by September 15th.

Will our friends also please mail in to us (not to the Library) samples of all printed matter they may have of ours, on which the Library is mentioned as being part of the Society or of the Center. We also need clippings of all our advertisements that you can find (1909-1912) with note of the date and name of paper in which they appeared. By thus co-operating with us you will prove that our teachings of loyalty and service are a real power in your life, leading to action.

As one of our Brothers writes: "This is a glorious opportunity to find out of what stuff we are made."

Yours very fraternally,

A. E. Marsland.
m. e. c.

President, O. E. C.

Action and Reaction. People who live in glass houses are recommended not to throw stones.

Karma:—

Though the mills of God grind slowly, yet they grind exceeding small;

Though with patience he stands waiting, with exactness grinds he all.

The Best Remedy for corns, spiritual or otherwise, is not to attempt to pick the pocket of the man who treads on them, but to go to a chiropodist.

The Theosophical Society is the chief exponent in America of the doctrines of Karma and Reincarnation. The Karma and Reincarnation League, to which any one may belong who is interested and wishes to extend the popular knowledge of these practical teachings, has its headquarters at 7228 Coles Avenue, Chicago.

O. E. Library Brotherhood Fund. Received June 27-July 10. Cash from A. A., A. B., C. B., M. B., Mrs. C. G., E. C. G., Mrs. S. G., N. H., W. P. H., W. Y. H., J. A. L., G. D. M., Mrs. L. N., H. H. P., F. R., G. R., H. L. S., Mrs. M. V. S., J. V., E. M. W., \$13.75. Books from V. A., Mrs. A. H. B., Mrs. M. L. B., E. D., F. E., A. H., M. M., J. P., C. W. S., D. S., I. R. T., R. T., Anon., est. \$18.07. Total, \$31.82.

Don't be Scared away from the Library because you cannot meet the terms. If you are in difficulty just explain frankly and we shall try to treat you well all the same.

The Former Secretary of the O. E. S. can be addressed at Box 314, Washington, D. C.

The Occult Review, monthly, \$1.75 a year; specified or current numbers, 15 cents; sample copies free from the Librarian.

The Theosophic Messenger, monthly, \$1 a year, sample copies ten cents from the Librarian, O. E. L. The official organ of the Theosophical Society, and free to members.

The O. E. Library CRITIC, every two weeks, 25 cents a year. The organ of the O. E. Library.

Send To Us for some of our postcards to distribute among your friends. You can't do them a better service than putting them in touch with the Library.

Think of the Stay-at-Homes

Now that you are preparing for your vacation, don't forget the many poor people who can't afford to get away or who are sick or in prison, and to whom our books would be helpful. It is the object of the **O. E. Library Brotherhood Fund** to help these people by sending them books.

If you cannot send cash for the **Fund**, send the books you can spare. They will be used or sold for the **Fund**, and will be doing something while you are boating or playing tennis.

THE O. E. LIBRARY CRITIC

Published biweekly at 1443 Q St., N. W., Washington, D. C.

BY

The Oriental Esoteric Library

Vol. I

Wednesday, July 17, 1912

No. 24

ONE YEAR, 25 CENTS

SIX MONTHS, 15 CENTS

REINCARNATION AND KARMA

Scientific belief is arrived at in one of two ways. One of these consists in direct observation of facts, the other, in inferring that certain things are true, not because they can be directly observed, but because their assumption is rendered necessary in order to explain known conditions. We believe in that which we can see with the naked eye, with the telescope or the microscope, but such belief forms only a small fraction of what we are pleased to call knowledge. Most of us now-a-days believe in atoms, but no one has seen an atom. The atom is simply a convenient hypothetical thing which anybody is at liberty to deny, but which, all the same, serves as the connecting link for myriads of scientific observations. Assuming the atom, we get a long way towards seeing why things are as they are; denying it, they become a mass of incoherent rubbish like the words in a dictionary, each fact for itself. The world behaves as if it were built of atoms. Nobody has soared high enough to see that the earth is round. Nobody has been able to fix himself in space and note that it is revolving. Yet we have a large mass of astronomical and geodetic measurements which would mean nothing at all, which would be absurd and contradictory, did we not assume that the world is a slightly flattened sphere rotating about its shorter axis. The observed facts, taken *in toto*, don't fit in with the notion that the earth is flat and fixed. Yet men used to believe this.

And quite the same line of thought applies to the wonderfully complex life of man, both as an individual and as a member of society. You may, if you wish, follow the plan of those men of the middle ages and neglect to look for any underlying principles in the horrible jumble of life and just judge by appearances. You may, if you wish, limit yourself to noting that man consists of say a hundred and fifty pounds of bone and flesh, that he is born of a woman and spends seventy years in toiling, worrying, suffering, preying on his neighbors and now and then by rare chance enjoying his existence, and finally dying and turning into carbon dioxide, water, ammonia and a residue of phosphates. These are

"Exhibit 2."

the observed facts, to which it may be added that force, not justice, is apparently running the show.

If that goes against your stomach, you may assume, as the current belief does, that man consists of a visible body and an invisible soul, that the soul comes into existence simultaneously with the body, that partnership is established and carried on under the most diverse conditions, some favorable, others unfavorable, and that when death comes, it leaves the body to decay, but sends the soul into some heaven or hell where it is rewarded or punished eternally for actions for which its environment rather than itself is largely responsible.

This represents an important step forward, because it assumes that the body is but the overcoat of the soul, but it makes the somewhat bizarre assumption that the soul, while immortal, can be redeemed or ruined by the use to which it puts its one overcoat. It offers no explanation of why some souls are allowed to start out clad in gorgeous raiment, while others have to go from start to finish in tatters. It offers no plausible excuse for the apparent failure of the Intelligence it assumes to be behind things to have made a good job of Its work. It talks of eternal justice, while it insults it. And even today those who hold to this theory have not been able to explain why sin and suffering exist or how they can be in harmony with eternal love and justice. The theologians are still hanging each other over questions which result from the one overcoat theory and have proposed a theory of salvation which, while perfectly delicious for those who happen to be lucky enough to get under cover, is horribly uncomfortable for that large part of the race which has, through ignorance or otherwise, to stay out in the rain.

There is but one theory yet proposed which fits into all the facts, which offers an explanation not only of the vicissitudes in the life of the individual, but of the extreme differences in social conditions, and which, like the atomic theory, serves as the center about which all the facts may be grouped. It does away with the conception of a justice which is half injustice, of love which is half malice, of a God who has to admit that His creation is more than half failure. It shows that Divine Love and Divine Justice are one and the same. It gives an explanation and interpretation of evil as well as of good. And as it thus serves to connect all the facts and to afford a reason for them it stands on just the same basis as does the atomic theory. Like the atom, it cannot be directly observed as a matter of personal experience—except in special cases—but it can be inferred from the way things behave.

Briefly stated, this theory denies that the soul is limited to one coat and that when this is worn out it must go naked ever after; that it must abide by the use to which it has put this one garment. It assumes that our immortality extends not only forwards, but backwards also. The soul, that is, the persistent and real part of

Group 5. Great Masters. *Schure*; Krishna and Orpheus (\$0.75-.06). *Besant*; Esoteric Christianity; or, The Lesser Mysteries (\$1.50-.13). *Carus*; The Gospel of Buddha (\$1.00-.10).

Group 6. Esoteric, etc. *Johnston*; Translation of the Bhagavad Gita (\$1.00-.10). *Besant*; Three Paths to Union with God; and Dharma (\$0.75-.07). *Kingsford*; The Perfect Way, or, the Finding of Christ (\$1.50-.14). *Kingsland*; The Esoteric Basis of Christianity (\$1.25-.09).

Group 7. Psychic. *Leadbeater*; Clairvoyance (\$0.75-.06). *Flammarion*; Mysterious Psychic Forces (\$2.50-.19). *Leadbeater*; The Other Side of Death (\$1.50-.22). *Podmore*; A Critical History of Modern Spiritualism, 2 vols. (\$6.50 the set—postage, each .15; not sold singly).

Group 8. Ethical and Devotional. *Collins*; Light on the Path (\$0.40-.03). *Blavatsky*; The Voice of the Silence (\$0.50-.01). *Kempis*; The Imitation of Christ (\$0.35-.05).

Group 9. *Leadbeater*; Man Visible and Invisible, colored plates (\$2.50-.14). *Besant and Leadbeater*; Thought Forms, colored plates (\$3.50-.11). *Leadbeater*; The Inner Life, vol. 1 (\$1.50-.09). *Leadbeater*; The Inner Life, vol. 2 (\$1.50-.12).

Group 10. Special Forms of Occultism. *Levi*; Doctrine and Ritual of Transcendental Magic (\$2.50-.17). *Leo*; Astrology for All, part I (\$3.50-.21). *Westcott*; An Introduction to the Kabalah (\$1.25-.06). *Sepharial*; The Kabala of Numbers (\$1.00-.08). *Old*; Lao-Tze's Tao-Teh-King; The Book of the Simple Way (\$0.75-.06). *Heindel*; The Rosicrucian Cosmo-Conception (Western or Christian Occultism; \$1.50-.16).

Group 11. Mystical Experiences. *James*; Varieties of Religious Experience (\$3.20-.21). *Jones*; Studies in Mystical Religion (\$3.50-.17).

Group 12. Advanced. *Sinnett*; The Growth of the Soul (\$1.50-.12). *Besant*; A Study in Consciousness (\$1.50-.12). *Besant*; The Pedigree of Man (\$0.75-.06).

Group 13. Secret Doctrine. *Blavatsky*; The Secret Doctrine, 3 vols. and Index Vol. (\$16 the set; odd volumes can sometimes be supplied as follows: vols. 1, 2, 3, each \$5; Index Vol., \$2.50; also, single second-hand vols.). *Kingsland*; The Physics of the Secret Doctrine (\$1.50-.10).

Group 14. Miscellaneous. *W'hyle*; H. P. Blavatsky; an Outline of Her Life (\$0.50-.01). *Hartmann*; Life and Doctrines of Paracelsus (\$2.50-.15). *Scott-Elliot*; The Story of Atlantis (\$1.25-.07). *Donnelly*; Atlantis, the Antediluvian World (scientific evidences; \$2.00-.13).

For continuous study: Light on the Path; The Bhagavad Gita.

For reference: Hout; A Dictionary of Some Theosophical Terms (\$1.75-.09).

The Librarian will be pleased to give further suggestions or advice, or information regarding the Theosophical Society.

a member, and it rests with the member to become a true Theosophist. *Quoted from an announcement of the Theosophical Society.*

The Librarian will be pleased to give to correspondents information regarding membership in the Theosophical Society, and the addresses of local Lodges.

Liberal Course in Theosophy for Deeper Students

These books are selected with the view of giving a scientific and philosophical basis. They may be rented from the Library on the usual terms. The price and postage on each book are given. The postage is to be disregarded if the books are bought.

Make your requests on our Standing Request blanks, or check the books you wish on this sheet, stating the number to be sent at a time and how often, and enclose it to *The Librarian, O. E. L., 1443 Q Street, N. W., Washington, D. C.*, with your name and address and the usual credit of two dollars, if you have not such a credit already.

Students preferring a briefer course should ask for *Theosophy, Schedule C* (16 books), or *Briefer Liberal Course in Theosophy* (30 books).

The student is recommended to practise daily meditation, and all esoteric reading should be in conjunction with the New Testament, especially the Four Gospels. These groups should be taken in the order indicated.

Daily Meditation. *Marsland*; Noontide Meditations for the Esoteric Disciple (\$0.50-.03).

Group 1. Introductory. *Leadbeater*; An Outline of Theosophy (\$0.25-.03). *Rogers*; Hints to Young Students of Occultism (\$0.50-.04). *Besant*; The Ancient Wisdom (\$1.50-.09). *Besant*; Karma (\$0.35-.03).

Group 2. Psychological. *James*; Principles of Psychology, 2 vols. (\$5.00 the set—postage, each, .24; not sold singly). *Recejac*; Bases of the Mystic Knowledge (\$2.50-.15). *Myers*; Human Personality and Its Survival of Bodily Death, abridged edition (\$3.00-.21).

Group 3. Ethical, etc. *Alcyone*; At the Feet of the Master (\$0.40-.02). *Besant*; In the Outer Court (\$0.75-.06). *Besant*; The Path of Discipleship (\$0.75-.05). *Besant*; An Introduction to Yoga (\$0.75-.05). *Besant*; Thought Power, its Control and Culture (\$0.75-.07).

Group 4. Philosophy and Religion. *Max Mueller*; Three Lectures on Vedanta Philosophy (\$1.75-.10). *Besant*; Four Great Religions—Hinduism; Buddhism; Zoroastrianism; Christianity (\$0.75-.07). *Besant*; The Wisdom of the Upanishats (\$0.75-.05). *Leadbeater*; The Christian Creed (\$1.25-.10).

us, of which the body is but the covering, has existed from ages past and will continue to exist indefinitely in the future. It returns time and time again to the physical life, each time having a new body, but always being the same soul. The passage of the soul through these successive lives has been aptly compared to a boy going to school day after day, and this is more than a mere simile, for the object of these repeated incarnations is to afford it the chance to learn and to grow by learning. The soul, like the boy, is at school and is learning by butting up against the problems and difficulties which life affords in abundance. When the body, following the law of all material things, wears out, the soul goes to rest for a time, but returns again—the next day—and with a new body takes up the lessons it had left unfinished the day before. And so, life after life, it accumulates knowledge, or in this case rather strength and character, until it has, like the boy, learned all it can in this particular school and graduates into a higher school beyond our present knowledge. It must be obvious to anybody that so far as real progress is concerned, we make but little advance in one lifetime. We may, if we have been industrious, have solved a problem or two, or learned one or two rules of spiritual grammar, but we are far indeed from having mastered the language or the arithmetic, we are not much nearer perfection than at the start. Which is more rational, to suppose that after our one day's schooling we must take up again the thread where we dropped it, or that having gone to school for a single day we earn the privilege of a never ending vacation? that we must go through the whole curriculum or that we shall be allowed to enter Paradise as ignoramuses? We do not assert that you or we can prove this point of view, for there are but few who can remember their past lives, but we ask you to consider it as a provisional theory and try to interpret the meaning of your own life and that of others in its light. If you do this, you will gradually find, as we have done, that a great illumination will be thrown on many dark places. And further, it will give you the great advantage of a broad view. The difficulties of life will no longer be overwhelming; you will see that what looks to you like an irremediable mistake or misfortune is really no worse than an error in doing a sum, or misspelling a word. You will get to look on life, not as something to be gotten through anyhow, and then to play, but as part of a training for a later life which is infinitely more important than this, and fuller.

This idea of reincarnation is not single; it is a twin. And the twin theory is that which is commonly known under the name of Karma, because in the West we have not known it long enough to have invented a word of our own so we have had to go to the East, where men have thought much longer on these things. Karma means simply the law by which you must abide by the result of your own actions. It means that if you are a good boy in school,

you will get ahead fast; if you mind your own business and do that for which you are there you will progress, while if you are a bad boy, and are idle, or careless, or waste your time in amusing yourself, you will have to do today's sums over again tomorrow, till you can go on. The doctrine of Karma is that while the teacher may guide you, or the boy on the next bench may work out your problems for you, you really don't learn anything till you do it yourself. The examiner is a very loving and kind one, but he positively will not let you pass to the next grade till you have mastered your subject—there is no evasion, no favoritism, no begging off, no cribbing or cheating. Your one reward comes from doing well, your sole punishment that which you bring on yourself. As you sow, so shall you reap; that is the whole idea of Karma in a nutshell. You are sure to be found out. Your neglect of today's lessons may not show today, but it will inevitably do so tomorrow. If you have not learned today's lesson, tomorrow will find you in all sorts of perplexities. If you have not behaved in this life, in the following life you will have to suffer for it. The advance of the soul is quite as mechanical, in one sense, as that of the scholar. It would do you no good for the teacher to do the work for you; he can show you the way, but you yourself must do the work.

This is but a very brief outline of these fundamental doctrines. Those who study them deeply are often given to fine distinctions, very important, no doubt, to a full understanding of the subject, but not needed by the average man until he has learned to see life in the light of the elementary principles. Mr. Leadbeater tells us that the astral and mental bodies are changed with each incarnation, as well as the physical, and he describes the whole process of dressing and undressing. Brother Atisha distinguishes about thirty-three different kinds of Karma. Well and good. But what you and we want first to know is that we have to dress and undress. It matters little whether we get into our shirt or trousers first; whether we are directed to our new bodies by the great Lords of Karma, or whether we seek them as instinctively as the toper seeks the rum shop or the student the library. The first and main thing is to get the point of view, to see that we are always given another chance, that we come back to school day after day, but always under better conditions the better we have deserved it. It is very interesting to study the various ways in which the law of Karma works, but the first point for the scholar is to learn the plain rule that he must do his best, and that while cheating, lying and stealing his neighbor's lunch may be very nice for the moment, he will have to pay up, if not today, then tomorrow.

The ideas of Reincarnation and Karma are intensely practical, for they not only explain life as the atomic theory explains chemistry, but they are at the same time highly optimistic. They show

you that you can win out in the end if you will, and that your sufferings, if you have any, are not the result of inexorable fate, or of injustice, but either your own fault, which you can remedy, or else, thanks to the overruling Love, but the tests by which you can train your spiritual muscles to greater strength. And you will have the satisfaction of feeling that you are ever so much more of a man for having to fight your own way than if you were depending on some Power to pull you out and hoist you over the wall into Paradise—a saintly mollycoddle.

Notice

The working "affiliation" which has existed between the *Oriental Esoteric Library* and the *Oriental Esoteric Society* having been dissolved, and the headquarters of the Society having been removed from the Library Building, all correspondents of the Library are urgently requested to send their communications directly to *The Oriental Esoteric Library, 1443 Q Street, N. W., Washington, D. C.*, and to avoid the use of the words Society or Center in their address.

Business relating to the Society and the BULLETIN should be addressed to 1419 R Street, N. W.

The address of the CRITIC is the same as that of the Library.

The Library will forward communications and remittances addressed to it, but intended for the Society, but will not hold itself responsible for delays or mistakes resulting from neglect to observe the above precautions.

No statements concerning the Library are to be considered as authorized unless appearing on its lists or circulars, in the CRITIC, or over the signature of the Librarian. The Library, is in no way responsible for the Society, nor the Society for the Library, financially or otherwise.

What Is Theosophy?

Theosophy is the body of truths which form the basis of all religions, and which cannot be claimed as the exclusive possession of any. It offers a philosophy which renders life intelligible, and which demonstrates the justice and love which guide its evolution. It puts death in its rightful place, as a recurring incident in an endless life, opening the gateway of a fuller and more radiant existence. It restores to the world the science of the spirit, teaching man to know the spirit as himself, and the mind and body as his servants. It illuminates the scriptures and doctrines of religions by unveiling their hidden meanings, and thus justifying them at the bar of intelligence, as they are ever justified in the eye of intuition.

Members of the Theosophical Society study these truths, and Theosophists endeavor to live them. Every one willing to study, to be tolerant, to aim high and work perseveringly is welcomed as

HISTORY OF THE ORIENTAL ESOTERIC LIBRARY

In the years 1904 and 1905 a number of Courses of Instruction in the Oriental Philosophy and Comparative Religion were given by Miss A. E. Marsland, the Representative of the Oriental Esoteric Center of Washington, D. C., at her home, first at 1522 Sixteenth Street, N. W., and afterwards at 1443 Q Street, N. W.

Towards the Fall of 1905, the attendance at these Open Talks increased and became steady, and there was a great demand for books and literature to serve as collateral reading and as an aid to the instruction.

In answer to this appeal, the members of the classes were invited to give, or lend, to the Center their books on esoteric subjects to form the nucleus of a Library. There was an immediate and eager response, and before the end of the year several hundred books were upon the shelves of the Lecture Hall.

Already within two weeks of the first initiation of the "Library of the Oriental Esoteric Center" when but few books were actually in hand, its work of usefulness began: a set of Rules and Regulations was formulated and posted up, and the Library was declared open to borrowers.

It was announced that all gifts to the Library and loans of books or MSS. would be held for the benefit of the Center's Library; all dues and receipts from the loan or sale of books were to be put into a Trust Fund, which was to be used for the purpose of buying new books so as to increase the collection and thus enlarge its sphere of work. Dr. H. N. Stokes was put in charge of this Trust Fund as Librarian.

During the remaining months of 1905 and the whole of 1906 and 1907 the work went steadily forward; every Sunday and Wednesday evening, Miss Marsland spoke on some topic of esoteric interest; after the talk, questions were answered and books recommended for collateral reading. Whatever new books were needed for special reference were procured from the funds in hand and from gifts; and thus the Center built up its Library day by day and week by week.

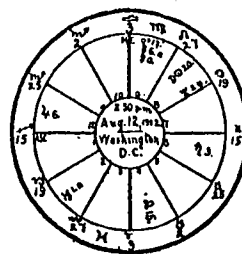
In these early days every one was personally interested in the work of the Center and Library and in the circulation of the BULLETIN, which had been begun in 1904 as the Organ of the Work in all its branches, and much assistance was given by voluntary effort for several years. On Thursday and Friday afternoons, especially, numbers of those students who were profiting by the Teachings were accustomed to come together for work, and the Center was a hive of industry on those days.

All of this activity caused the Library to thrive, financially as well as otherwise.

In November, 1907, the Librarian suggested to the Representative of the Oriental Esoteric Center an increase in the work of its

ASTROLOGICAL FORECAST

for the lunar month beginning August 12th, 1912.



This forecast applies to the United States particularly. The influences of the lunation are general in effect, but individuals are affected much or little by it according to its relationship to their personal horoscopes and the present condition of the latter.

With the satellitium in the 9th house square to Jupiter near the 1st and the major planets also quite adversely aspected, one of the most conspicuous features of this lunation will be a contentious, disputatious tendency among those interested in any way with law, politics, science, philosophy, medicine and studious matters generally. Much energy and time will be wasted in bitter, fruitless, non-pertinent discussion and criticism. Occult students and others interested in the search for truth rather than personal glory and victory should keep in mind constantly the ultimate ends they are seeking during this period rather than any temporary advantages that may present themselves. Like all other so-called adverse periods, it may be used as a means of growth by the true and sincere student. It resolves itself mainly into a choice of controlling and utilizing the unusually powerful influences generated by such a grouping of planets or of being swayed and driven by them. The majority of us are unable or unwilling to use more than the mild and so-called beneficent influences. This period will afford opportunity to many to practice control of the more powerful.

Railway and marine accidents will continue to furnish news for the daily press, and children and women on pleasure bent will suffer mostly in them. Financial matters will show rapid changes, some decidedly good, some not. People with weak lungs and chest should use much care and discretion during this lunation, as bronchial and pulmonary ailments will be prevalent, as well as acute diseases of the digestive tract.

The President's opponents will be active and critical, but he has powerful, stubborn influences at work in his favor and it is likely that the working class will be more inclined in his favor than for some time past. There will be but little progress in legislation. The Equal Suffrage question will be one of the prominent subjects under discussion in political circles and elsewhere during this period, though but little apparent advance can be expected. E. W.

"WILL! DO! DARE! KEEP SILENCE!"

Rest not! Life is sweeping by,
Go and dare, before you die;
Something mighty and sublime
Leave behind to conquer time!
Glorious 'tis to live for aye,
When these forms have passed away.

Haste not! rest not! calmly wait;
Meekly bear the storms of fate!
Duty be thy polar guide;—
Do the right what'er betide!
Haste not! rest not! Conflict past,
God shall crown thy work at last.

—Goethe.



BULLETIN
OF THE
ORIENTAL ESOTERIC CENTER

Vol. VIII

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No. 30

THE ORIENTAL ESOTERIC LIBRARY

PREAMBLE

It will, I know, be a great surprise to you all, as it was to us, to learn of the claim that is being advanced by the ex-Librarian of the Oriental Esoteric Center to the Oriental Esoteric Library as "his own exclusive personal property." We are therefore giving herewith a short and succinct history of the Library from its foundation in 1905 to the present time. This account all of you who are interested in the matter can supplement for yourselves by reference to the back-numbers of your BULLETINS, in which scarcely a week has passed since 1906 without reference to our Library activities.

We have always represented the Library to you as an integral part of our Work, as it undoubtedly is, and always has been from its inception, and we feel, therefore, that the pretension so suddenly advanced at this time calls for some explanation from us, we have been shocked at the nature of this extraordinary claim.

There is no evil, however, without its accompanying good. In times of trouble true hearts draw nearer to each other, for it is at such crucial moments as the present one in the life of an organization that "The Great Sifter" sifts; and, as He sifts, the good grain becomes separated from the chaff, the constructive elements from the destructive, the loyal member from the indifferent one. Each has his opportunity of approaching nearer to the center and of becoming more active and of greater usefulness to our Society, and thus to the World.

These opportunities are milestones on the Path of the true disciple.

"Exhibit U."

MEDITATION

We say to the disciple, when he asks the way to the little Path, "One of the doors is Self-Sacrifice," because we know that this is the outward sign of that inward growth which he craves.

The possibility of making a sacrifice is the sign that the soul is beginning to assert itself over the body and its desires, and he who would increase that power must live a life of Self-Sacrifice; that is, he must allow his *soul* full sway and as it grows strong within him, so will his outward life bear the impress. Soul means Sacrifice, yet, paradoxical as it is, for the true disciple there is really no such thing as sacrifice.

In those moments when he gives of the Great Depth of his Soul to some Sacred Ideal, to touch some profound depth or to rise to some sublime height, which *he knows has to be reached by him* and which he strives after with all his might—in those moments his feeling is far from that of sacrifice, in the sense of depleting himself. "Deep calleth unto Deep," and though to the onlooker he seems to make great sacrifices . . . to his own consciousness the reverse of this is more nearly true.

When the Deep within answers to the Divine Deep, it cannot then be *sacrifice*! How gladly does the disciple answer "Here am I, send me!" How fully does he realize that all he can give and all he can do, his noblest deed and most unselfish thought, are not sacrificed, are not parted from him, but are only tributes which his lower self pays to his higher self to further the expansion of his own Being.

THE LAW OF SACRIFICE

1. Thy life is naught without sacrifice. The more thou givest, the more thou shalt receive. Thou receivest only that thou mayest be able to give.
2. I beseech you therefore, brethren, that ye present your bodies a living sacrifice, holy, acceptable unto God, which is your reasonable service.
3. Think not that outer sacrifice unites thee to thy Higher Self.
4. Better than the sacrifice of any object is the sacrifice of wisdom.
5. It is ever the fire from above that kindles the sacrifice upon the altar.
6. When a man sacrifices himself to the idea that he defends, by his act he creates in the astral, and in the spiritual world above, currents of wondrous power. This is the occult reason for the effect produced by persecutions and martyrdoms in stimulating and aiding the future development of the race.
7. To those who know the true nature of Virtue, Self-sacrifice does not exist, for it is no sacrifice but a joy to give.

library by adding to it a Mail-Order section, with the intent to bring in sufficient funds to make the Center self-supporting. This suggestion was favorably received, the more especially since it offered an opportunity of giving out the Teachings more widely than heretofore; and the work, thus increased, spread rapidly.

It had always been customary to insert announcements of Miss Marsland's Lectures in the local papers, week by week; these advertisements also drew attention to the Library; but from the year 1907 and the establishing of the Free Mailing System, the Center began to turn its attention to a wider and more systematic publication of the advantages offered. A much larger field was thus opened up, and advertisements of our Center and its Library will be found in many of the New Thought and other magazines of the years 1908 and 1909. It is clear from these announcements that the O. E. C. Librarian spoken of in them was indisputably *in charge* of the Center's Library, and not the owner of it.

When the Oriental Esoteric Center was reconstituted, May, 1908, with Miss Marsland as President, at the first meeting of the Directing Council, May 8th, 1908, the Librarian in charge gave a full report of the condition and work of the Library; and a few months later, October 5th, 1909, Dr. Stokes was officially named Librarian of the Center, although the name "Librarian" had been semi-officially in use before.

The Records in the Archives of the Center show continued increase in its Library work through 1909 and the early part of 1910; and in May, 1910, the Oriental Esoteric Center Library was affiliated with the Oriental Esoteric Society, a body which had been recently incorporated in order to carry on the outer or less recondite part of the Center's work. The Oriental Esoteric Center Library was permitted to assume the "workable" name of "The Oriental Esoteric Library," by which it is now generally known. The Library still remained, however, belonging to the Center.

From the time of this affiliation, during the past two years, the O. E. Library has been very active and has done much good work with the Oriental Esoteric Society, whose name, prestige and influence it has been permitted, without question, to use; and the Library has proclaimed itself, and has been declared by the O. E. Society in all ways and at all proper times, to be an integral part of the Work. The Library has even, up to the time of the present claim, used exclusively the official stationery of the organization, first of the Center and afterwards of the Society.

Yet, in spite of all this, the ex-Librarian now claims our Library as his own personal property!

It is true, the Librarian in charge contributed largely towards the upbuilding and carrying on of the work in both time and labor freely given, and money voluntarily donated to the good of the cause, as was stated and believed by all concerned. But has one the right to give, and then, later, demand back?

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under Act of March 3, 1879

I am not bound to win, but I am bound to be true.

I am not bound to succeed, but I am bound to live by the light I have. I must stand with anybody that stands right, stand with him while he is right, and part with him when he goes wrong.

—Abraham Lincoln.

BULLETIN

THE BULLETIN, the official publication of the Oriental Esoteric Society of America, is one of the few *weekly* publications in the world devoted to occult and esoteric teachings. It contains editorials presenting in simple form the teachings of the Society as applied to everyday life. Its Answers to Correspondents tell you what you want to know and cannot get from any other source. Its weekly "Meditation Page" gives you a thought with which to start each day of the week and keep you out of the rut of routine and worry. It has a parents' page; a young people's section; astrology for the month; comments on current events from the esoteric standpoint, etc.—An important means of communication between the Society and the world. Subscription price, \$1.00 per year.



The pin of the O. E. S. is slightly smaller than the given cut. It shows in the Center the Sacred name (of deep Esoteric meaning) in white lettering, and from this point there pour forth rays of Wisdom, Love and Power upon all beings throughout the whole Universe. The Kaf, which is shown in gold, symbolizes our Society receiving these rays, collecting them and giving them forth in spiritual truths to the whole world. The background is the dark blue of Space, and the curved surface represents our world or sphere.

The Kaf is the third letter of the alphabet of the Magi; it is the ineffable symbol of the Sacred Science and represents the power of the Initiates and also the realization of that power. Our Society has chosen this symbol to represent its characteristics of strength and activity in serving the world, and also to signify the place it is designed to occupy and the part it has to play in the New Era.

ADVANTAGES OF MEMBERSHIP

Advantages of membership in the O. E. S. are:

1. Affiliation with the Universal Brotherhood, and union, more or less vital according to the development of each one, with Those Who are directing the Great Work of human progress.
2. The privilege of sharing in a united and systematic movement to further this great work; of aiding it by individual effort and influence, or by contributing financially; and the opportunity of personal association with its leaders.
3. The receipt of such lessons as accord with the degree of membership.
4. Admission to the meetings of the Society for study.

There are now two degrees of Corresponding Membership. These are:

1. Student Members who receive a course of carefully graded lessons at the rate of one in six weeks, with occasional question sheets and lists of books for collateral reading. They have the privilege of sending in practical questions on the problems of life which are answered in THE BULLETIN Correspondence column, as space permits.

Dues \$1.50 a year. For countries requiring foreign postage, \$2.00.

2. Corresponding Student members who are in closer personal touch with the Officers of the Society. These receive courses of instruction suited to their individual needs with all the privileges of the first degree and, in addition, that of receiving letters of personal advice from Officers and Members of the Society on their life issues. Their collateral reading lists are longer and more varied than those of Student Members. This degree is recommended to more advanced students who are able to go more quickly than the first, having acquired some degree of control over themselves and their conditions.

Dues \$3.00. For countries requiring foreign postage, \$3.50.

Active Membership in the O. E. S. is for more advanced students than those in either of the Corresponding degrees. Full information regarding qualifications and regulations governing Active Membership may be obtained from the Secretary.

BOOKS BY THE PRESIDENT OF THE O. E. S.

Those interested in occultism will find the following books by the President of the O. E. Society helpful in obtaining an introduction to the subject: *What Esoterism Is*—paper 35 cents, cloth 50 cents; *First Principles of Esoterism*—cloth \$1.00, limp yellow leather \$1.50. Other books by the President: *The Way*—daintily bound in paper, 10 cents; *Noontide Meditations*—paper 25 cents, cloth 50 cents, leather \$1.00.

EQUITY No. 31,317

Oriental Esoteric Center of
the United States of America
a Corporation, et al.

vs.

Henry N. Stokes

Henry N. Stokes

vs.

Oriental Esoteric Center of
the United States of America
a Corporation, et al.

Cross Bill.

FILED

OCT 29 1912

L. R. Young
clerk

Leckie, Cox & Kratz.

For Cross Plaintiff -

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

ORIENTAL ESOTERIC CENTER OF THE
UNITED STATES OF AMERICA, a corporation,
ORIENTAL ESOTERIC SOCIETY OF THE
UNITED STATES OF AMERICA, a corporation,
ORIENTAL ESOTERIC LIBRARY OF THE
UNITED STATES OF AMERICA, a corporation, and the
ORIENTAL ESOTERIC LIBRARY, a corporation,

Plaintiffs,

vs.

HENRY N. STOKES,

Defendant.

HENRY N. STOKES,

Cross-plaintiff,

vs.

ORIENTAL ESOTERIC CENTER OF THE
UNITED STATES OF AMERICA, a corporation,
ORIENTAL ESOTERIC SOCIETY OF THE
UNITED STATES OF AMERICA, a corporation,
ORIENTAL ESOTERIC LIBRARY OF THE
UNITED STATES OF AMERICA, a corporation,
ORIENTAL ESOTERIC LIBRARY, a corporation, and
AGNES E. MARSLAND,

Cross-defendants.

FILED
OCT 29 1912
J. C. Young
Clerk
EQUITY
NO. 31,317.

CROSS-BILL OF HENRY N. STOKES.

Leave of the Court first being had and obtained, and the defendant, Henry N. Stokes, (plaintiff herein) having filed his answer to the bill of complaint, which said bill and the defendant's answer thereto are hereby referred to and prayed to be read as a part hereof, this defendant (plaintiff herein) files this, his cross-bill, against the plaintiffs in the original bill, Oriental Esoteric Center of the United States of America, Oriental Esoteric Society of the United States of America, a corporation, Oriental Esoteric Library of the United States of America, a corporation, and the Oriental Esoteric Library, a corporation, plaintiffs, (defendants herein) and also against Agnes E. Marsland, a citizen of the United States and a resident of the District of Columbia, who

is hereby made a party to this cause, and sued in her own right, and respectfully shows to the Court as follows:

1. About the month of May, 1905, this defendant began a circulating library at 1443 Q Street, Northwest, where he lived at the time. He conducted the same at said number until about the middle of September, 1912, since which time it has been conducted by him at 1207 Q Street, Northwest.

2. At the time said library was begun, the defendant, Agnes E. Marsland, was the representative in the United States of an Order known as the Initiates of Thibet, and as such representative she was giving lectures in the parlor of the house aforesaid with a view to establishing or rather re-opening in the District of Columbia a branch of said Order known as an Oriental Esoteric Center, and by her said lectures was attempting to interest and instruct those who attended in the knowledge of oriental philosophy and occult science as taught by said Order.

3. The plaintiff herein, not desiring to conduct said library in his own name and desiring to assist said cross-defendant, Agnes E. Marsland, in her efforts to re-open said Center, called and allowed his library at that time to be designated as Library of the Oriental Esoteric Center, although at that time no such Center was in operation or in active existence. About the Fall of 1907, having decided to circulate books ^{by mail}, he began to advertise said library in various magazines and to send out circulars and printed matter in reference thereto. The said Agnes E. Marsland, having secured a sufficient number of adherents, was able to establish or re-open a Center of said Order in the District of Columbia in the year 1908. Upon the formation of said Center the plaintiff herein affiliated his library therewith, as the Library of the Oriental Esoteric Center, and co-operated with said Center until the Spring of 1910, when the cross-defendant Oriental Esoteric Society was incorporated, after which said library was affiliated with said Society until the Summer of 1912.

4. From the beginning of the library in 1905, up to the formation of said Center, during the time of its affiliation with said

Center and also during the time of its affiliation with said Society, the plaintiff herein provided its quarters, paid all expenses of every kind in connection with it, received no contributions of any kind whatever, either from said Center or from said Society, toward the support, maintenance or circulation of said library, and held controlled and used the same as his sole and exclusive property.

5. Up to the time of the incorporation of said Society in 1910, the library had been usually designated as the "Library of the Oriental Esoteric Center," although also frequently advertised as "Library of Occultism." Upon the incorporation of the Society, the name of said library was changed to ^{"The} Oriental Esoteric Library," by which name it has since been, and still is, known and designated, and to show that said library was separate and distinct from the Society, in the Society's Bulletin or leaflet in which this plaintiff ~~advertised~~, and which was used for the benefit of the Society (the expense of publishing and circulating the same, however, being borne almost exclusively by the plaintiff herein) the library was always advertised as being "affiliated with the Oriental Esoteric Society."

6. During all the period aforesaid from 1905 to 1910, the efforts of this plaintiff through said library contributed largely to the formation of the original Center, to the increase and growth of said Center from 1908 until 1910, and also to the increase and growth of the membership and income of said Society from 1910 up to the Summer of 1912. In addition to bearing the expense of publishing the Bulletin for said Center and for the said Society, as well, after its organization, and to recommending membership in said organizations to the patrons of his library in his correspondence with them, he allowed the said Center from 1908 up to 1910, and the said Society from 1910 up to the Summer of 1912, to keep and maintain their headquarters in his residence at 1443 Q Street, Northwest, where his library was also conducted, without making any charge whatever against said Center or said Society for the use of his premises. Furthermore, during all of said period, as will appear by reference to said original bill, he made liberal contributions from

time to time to assist said Center and Society in the conduct of their work.

7. In the year 1909 plaintiff herein resigned his position under the Government of the United States in order to devote his time, energy and resources to the building up of his library. Since that time he has expended thousands of dollars in the purchase of books. He has likewise expended large sums of money in advertising said library, and under his efforts the circulation and sale of books have grown to such an extent that it is necessary for him to maintain a force of about twenty-one clerks to carry on its work.

8. In the Summer of 1911, some objection having been made to articles published by him in that part of the Bulletin allotted to his use, he began an independent publication for the library known as the O. E. Library Critic. Although the plaintiff herein had borne practically the whole cost of the publication and circulation of the Bulletin as aforesaid, it was issued as "published by the Oriental Esoteric Society". The Critic, however, was issued as published by the Oriental Esoteric Library.

9. The cross-defendant, Agnes E. Marsland, having taken personal offence at certain articles published in the O. E. Library Critic about the months of ^{April and} May, 1912, caused or at least attempted to cause the plaintiff herein to be retired from the Board of Trustees of the Society. Thereafter, on or about the 13th day of May, 1912, as President of the Society, she notified him of the termination of the affiliation between the Society and the Library, and directed the plaintiff to remove from his publications and book-lists the words "affiliated with the Oriental Esoteric Society", which words had been published thereon since the incorporation of the Society in 1910. The plaintiff, having complied with her request on or about the 21st day of May, 1912, was requested to cease using the words "Oriental" and "Esoteric", as part of the name of the library or on its literature, and about the same time the said defendant, on behalf of the Society, made claim at the Post-office for all mail addressed to the Oriental Esoteric Library. The Postmaster having refused to deliver the said mail to her, she there-

upon, on or about the 31st day of May, 1912, caused the plaintiff corporation, Oriental Esoteric Library of the United States of America, to be formed. Thereafter, on or about the 13th day of June, 1912, as President of the Society, she demanded that the defendant no longer use the name "Oriental Esoteric Library", which she claimed as "our library name". The plaintiff herein having advised her, declining to abandon said name, the said cross-defendant, Agnes E. Marsland, on or about the 26th day of June, 1912, without notice to him, illegally undertook to remove him as a trustee or director of the corporation known as the Oriental Esoteric Center of the United States of America, of which corporation he was an incorporator, a trustee and officer from the time of its organization down to the present time, and on or about the same day she made demand on him as an officer of said incorporated Center for an account of the financial status of the library in detail, a list of its books, catalogues, etc., preparatory to removing them from his home. Thereafter, on or about the 9th day of August, 1912, she caused the other plaintiff corporation, Oriental Esoteric Library to be organized, and thereupon circularized the members of the Society and the subscribers to the Bulletin, soliciting funds for taking away from the plaintiff herein his said library. About the same time she also procured the purchase of premises 1443 Q Street, Northwest, in which he had lived since 1905, and in which he had allowed the original Oriental Esoteric Center to maintain its headquarters from 1908 to 1910, and the Oriental Esoteric Society have its headquarters from 1910 to 1912. free of charge, by some person not known to the plaintiff herein, who thereafter refused to extend or renew the lease which expired on the 30th day of September, 1912, thus forcing him to remove from said premises. The plaintiff herein, having removed his home and library to 1207 Q Street, Northwest, the said defendant, Agnes E. Marsland, caused possession of said premises to be taken in the name of the library corporations which she had organized, caused notice to be published in the Bulletin that all books of the Oriental Esoteric Library should be

returned to said library at 1443 Q Street, Northwest, and made demand upon the Postmaster that all mail addressed to the Oriental Esoteric Library should be delivered at 1443 Q Street, Northwest. The Postmaster, having been apprized of the facts in the case and having refused to comply with her request and continuing to deliver the mail addressed to the Oriental Esoteric Library to the plaintiff herein, who had been receiving it in that name since 1910, she thereupon began the proceedings in this cause.

10. The plaintiff herein respectfully shows to the Court that none of the plaintiff corporations in the original bill have any right or interest whatever in said library, as more fully appears by reference to the exhibits attached by him to his answer to the rule to show cause, issued upon the original bill on the 3rd day of October, 1912, which exhibits are hereby referred to and prayed to be read as a part of this cross-bill.

11. He further shows to the Court that the name, Oriental Esoteric Library, had been in use by him long before the said corporations, Oriental Esoteric Library of the United States of America, or Oriental Esoteric Library had been incorporated, the name having been used exclusively by him from about the date of the organization of the Oriental Esoteric Society in ¹⁹¹⁰ ~~1910~~, and the words "Oriental" and "Esoteric" having been used as part of the name of his library for a long time before the foundation of the Oriental Esoteric Center in 1908; that the words, "Oriental" and "Esoteric", while common English words, describe the class of literature of which his library makes a specialty, ^{and that} ~~the library~~ ~~has been made known at great cost to the plaintiff herein by that name among thousands of people, has large quantities of printed matter, books and catalogues, etc. bearing that name, and accounts with a large number of publishers with which it deals.~~

12. He is advised and believes that the conduct of the cross-defendants and said Miss Marsland in adopting a name identical with that of the plaintiff, securing possession of the premises formerly occupied by him, and attempting to secure the return of

books and mail intended for the defendant, constitute on their part unfair competition and unjust and inequitable effort to deprive him of his property and to interfere with his established business.

WHEREFORE, the premises considered, he prays:

(1) That process of the Court may issue to said cross-defendants, requiring them to appear and answer said cross-bill.

(2) That an injunction may be issued against the cross-defendants, restraining and prohibiting them, or any of them, from further asserting any claim or interest whatever on the part of any of them in the library of the plaintiff herein.

(3) That said defendants be enjoined, pendente lite, and upon the termination of this suit permanently, from using the name, Oriental Esoteric Library, or Oriental Esoteric Library of the United States of America, and from attempting, by the use of such names, or other similar names, to obtain possession of real or other property belonging to the plaintiff herein.

(4) That they also be enjoined from attempting, by the use of such names or other similar names, to injure or disturb the plaintiff herein in his business.

And for such other and further relief as to the Court may seem necessary and proper.

Henry R. Stokes

Secoria Gay + Krus
Attorneys for Cross-plaintiff.

District of Columbia, S.S.-8-

I, Henry W. Stokes, on oath state that I have read the foregoing Cross-bill by me subscribed and know the contents thereof; that the matters and things therein stated as of my own personal knowledge are true, and those stated therein upon information and belief I believe to be true.

Henry W. Stokes

Subscribed and sworn to before me this 28th day of
October, A. D. 1912.

*Gertrude Ellis,
Notary Public, D.C.*

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EQUITY NO. 31,317.

ORIENTAL ESOTERIC CENTER
OF THE UNITED STATES OF
AMERICA, et al,

vs.

HENRY N. STOKES.

ANSWER OF DEFENDANT.

FILED

OCT 30 1912

W. P. Young
Latell

Leekie, Cox & Kratz,
Attorneys for Defendant.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

ORIENTAL ESOTERIC CENTER OF THE)
UNITED STATES OF AMERICA, et al,)

Plaintiffs,)

vs.)

HENRY N. STOKES,)

Defendant.)

EQUITY NO. 31,317.

FILED
OCT 30 1912

W. J. Young
clerk

ANSWER OF DEFENDANT.

The defendant, Henry N. Stokes, reserving to himself all benefit that might be taken by exception, demurrer or otherwise to the imperfections, uncertainties and defects contained in the bill of complaint filed herein, for answer to said bill, or such parts thereof as he is advised it is necessary or material for him to answer, sayeth:

1,2 & 3. Answering paragraphs 1, 2 and 3, he admits the incorporation of the plaintiffs and his citizenship and residence, as alleged, but he denies that he holds any books, names or accounts belonging to any of the said plaintiffs, or any monies in which they have any interest whatever.

4 & 5. He denies that the corporations, Oriental Esoteric Library of the United States of America and Oriental Esoteric Library were incorporated for the purpose of preserving to the plaintiffs their own library and its name and business. He denies that any library had ever been placed in his hands by any of the plaintiff corporations or any of their predecessors. He denies that he was ever appointed librarian by the unincorporated Center, as alleged. He denies that any trust fund was ever created on behalf of any of said corporations or that he appropriated the plaintiffs' name of Oriental Esoteric Library

or anything whatever belonging to any of said plaintiffs. He is informed and believes, and therefore admits, that an Oriental Esoteric Center, known as the Oriental Esoteric Head Center, was founded in the United States about the year 1902 by Dr. A. de Sarak, but he denies that said Center so founded had any connection whatever with any of the plaintiff corporations. On the contrary, he avers the truth to be that the said Dr. A. de Sarak founded said Center as General Inspector of the Supreme Council of the Order of the Initiates of Thibet. The said Center was closed about the year 1905 and re-opened under the direction of the authorities of said Order about 1908 and again closed by said authorities about 1910.

6. The defendant denies that any Bulletin was published by the Oriental Esoteric Head Center from 1905 to 1908 but he says that Agnes E. Marsland, the representative of the Order of the Initiates of Thibet, was issuing a one page leaflet giving information about her lectures, the name of which some time prior to May, 1908, was changed to the Bulletin, and which under that name was transferred to and became the property of the original Center when re-opened in 1908.

7. He denies the allegations of paragraph 7. He denies that the Center started any library in the Fall of 1905 and says that no Center was in existence or in operation at that time but he avers the fact to be that he began a library in the Fall of 1905 in the premises 1443 Q Street, Northwest, the rent for which was being paid by him at that time, as it has been ever since up to the first day of October, 1912. He says that after he began to loan and circulate books, a few persons gave or loaned books to him, perhaps not exceeding one dozen in number. He says that such books were given to him individually for use in the library by means of which he co-operated with the said Agnes E. Marsland in creating an interest in occult and esoteric subjects.

8. He denies the allegations of paragraph 8, except that he says the Library was called the Library of the Oriental Esoteric Center or Library of the O. E. C. and that it was so called because he did not wish to advertise a library in his own name, being then connected with the scientific government bureau and because it was believed both by him and by Miss Marsland that by identifying it with the Center and using the Center's name, he could, without any expense to her and without any increase of expense to himself, make familiar to the public and to persons likely to ^{be} interested therein the name of the Center, which Miss Marsland was then attempting to re-establish and re-open. He also admits that he adopted the name Oriental Esoteric Library when he affiliated with the Society in 1910 and to show that they were not identical, it was advertised thereafter on the printed matter of the Society and the Library as being "affiliated with the Oriental Esoteric Society".

9. Answering paragraph 9, he says that it is true that he used the Library from its beginning down to 1912 to assist in every way he could the work of the Oriental Esoteric Center until 1910 and the Oriental Esoteric Society after that time. He denies, however, that it was established as an adjunct of the work of the Center; that he was appointed Librarian by the Center, or that he was at any time in the conduct of said Library in anywise subject to said Center's control. On the contrary, he says that under the rules and regulations of said Center no such officer as Librarian was authorized and that when for the purpose of more closely identifying the work of his Library with that of the Center the said Agnes E. Marsland sought to have him designated as Librarian of the Center by the authorities of the Order of the Initiates of Thibet, her recommendation was rejected and overruled.

10. He denies the allegations of paragraph 10 as being untrue and misleading. He says that in the Fall of 1907 he adopted from the Theosophical Society the idea of having a mail-

ing library; that he informed the plaintiff, Miss Marsland, of his plan and explained to her how he could assist her by continuing to advertise the library in the name of the Center, which she hoped to re-open and how by co-operating with the Center after it was re-opened, its membership and income might be increased. He says that at that time the Center was unknown; that it was immaterial to him what name he adopted and that it was not for his own advantage, but solely with the view of helping the prospective Center that he called his library by its name.

11, 12 & 13. Answering paragraphs 11, 12 and 13, the defendant admits that about the time the Center was being formed in 1908, as a branch of the Order of the Initiates of Thibet, the said Agnes E. Marsland announced that she had nominated him as deputy and librarian but that the General Inspector of the Supreme Council of the Order of the Initiates of Thibet refused to approve the same, and he says that he was elected ^{as} deputy and not as deputy and librarian. The defendant admits that he explained to the Center and its members from time to time how its work was being advertised and how he was recommending in his correspondence with the patrons of his library that they should become members of the Center. He says his advertisements, his correspondence with the patrons of the Library and his recommendations to them to join the Center was the cause of more than 90% of the increase in the membership of the Center and the Society's membership. He admits he wrote a letter to Dr. A. de Sarak, General Inspector of the Order of the Initiates of Thibet, explaining the operation of the Center and the Library. He says that at the time said letter was written the work of said Agnes E. Marsland as President of the Center was being criticised and found fault with, one of the grounds of objection being that the Center was identified with a commercial library. Inasmuch as the said Agnes E. Marsland did not desire to give up the affiliation between the Center and the defendant's library, because the Center was dependent upon his work

and efforts through the Library for its increase in membership and income, the defendant, with the view of assisting her and obviating the objections made against her work, wrote said letter to the General Inspector. The same was not written, however, because the Library was recognized as subject to his jurisdiction, but in the hope of pacifying him and relieving Miss Marsland of his criticism. The view of the Inspector as to the affiliation of the Center with the Library was shown by his letters to the said Agnes E. Marsland, in one of which he referred to this defendant as a "book-seller, a librarian whom we did not even consecrate who has taken x x x our work, our Bulletin, our es^coute^hon, to transform it at his pleasure and for his ends of business".

14, 15, 16 & 17. This defendant admits that the Oriental Esoteric Society of the United States of America was incorporated on account of differences which arose between the General Inspector of the Supreme Council of the Order of the Initiates of Thibet and those in charge of its branch in Washington. He also admits that the Library which he then had control of is the Library now in his possession, except that since the Spring of 1910 its work has largely increased in consequence of the time and attention he had given to it and the large amount of money he has invested therein. As already explained, however, he was not holding the position of Librarian for said original Center. Upon the organization of this Society which attempted to assume and take over as far as it could the work which had therefore been conducted by the original Center, this defendant affiliated his library with the Society in practically the same relations it had therefore sustained towards the Center. To prevent such misunderstandings, however, as had arisen before and to show that the Society and the Library were separate and distinct, the defendant named and designated the Library as the Oriental Esoteric Library

and on his booklists and circulars, as well as in the Bulletin of the Society, he thereafter advertised it as being "affiliated with the Oriental Esoteric Society". He admits that the corporation known as the Oriental Esoteric Center of the United States of America was chartered about August 23, 1910 and that the incorporators had formerly been members of the directing council of the original Center. He denies, however, that the original Center was incorporated. On the contrary, he says that the organizers of the incorporated Center had been expelled from the original Center and from the Order of the Initiates of Thibet. He denies that the reason that actuated the incorporation of this Center was to have transferred to it the possessions of the original Center, but on the contrary says that it was organized because the authorities of the Order of the Initiates of Thibet were threatening to proceed against the Society to prevent it from using the name Oriental Esoteric Center on its Bulletin and from holding itself out as the successor of the original Center. Some of those associated with the Society and who were engaged in the publication of the Bulletin under the auspices of the Society did not desire to change the name of the Bulletin, among other reason, because such change would necessitate re-entering it in the Post Office as a second-class publication and with a view to protecting themselves against the Order of the Initiates of Thibet in the use of the name Oriental Esoteric Center on the Bulletin, they caused said corporation to be formed. He denies that the Library, its name or anything belonging to it was a part of the original Center; he denies that the original Center had any interest in it or any control over it or that the foundation members of the unincorporated Center attempted to transfer the said library or any interest in it to said incorporated Center, but avers that it was his sole and absolute property, as evidence of which he refers to Defendant's Exhibits B to I, which are filed herein as part of his answer to the rule to show cause issued on October 13, 1912. He further denies that the plaintiff

Oriental Esoteric Center of the United States of America, or that any corporations are the successors of the original Oriental Esoteric Center. On the contrary, he says said corporations have no connection whatever with said original Center, having been organized not only without the approval of the Order of the Initiates of Thibet, of which the original Center was a part, but in the face of the express disapproval of said Order, all of the members and officers of the original Center who became members of said Society or incorporators of said Center having been expelled from said Order.

18, 19, 20 & 21. This defendant admits that he called his library "Library of the Oriental Esoteric Center", advertising it frequently, however, as Library of Occultism from 1907 to 1908. He says that the said name was adopted and used for the benefit of the Center; that during said time he spent large sums of money in advertising; that he used the Bulletin of the Center as a medium of advertising, one-half of its space being allotted to him for his use; that he not only paid the expense of advertising but he provided the funds for the publication and circulation of said Bulletin, the Center contributing scarcely enough to pay postage on the same to its own members; that in his correspondence with the patrons of his library he recommended that they join the Center; and that his efforts during all of said period were, as heretofore set out, of the greatest benefit to the Society.

22, 23 and 24. The defendant admits it to be true that premises 1443 Q Street, Northwest have been used by him since 1908; that he has paid the rent thereon and that he allowed headquarters therein for the Center up to 1910 and for the Society from 1910 to 1912, all at his own expense. He also admits that during said time he has contributed in other ways in addition to those herein set out to the advancement of said Center and said Society. He also admits that he caused a telephone to be installed in said house in his own name and that he allowed the name of Miss Marsland and the Center

and Society to be listed thereunder. He says, however, that in all these matters his acts were voluntary; that the privileges granted could have been terminated by him at any time; and that while the use of the telephone, house and library were of great benefit and advantage to the Center and Society, he did not surrender his rights in or ownership to the same and it was never understood by the officers of the Center or Society that he did so. He says that in the year 1909 he resigned his position under the United States Government in order to devote all his time, energy and resources to the conduct of his library. He admits that in consideration of using the Bulletin as an advertising medium and having one-half of its space allotted to him, and because he desired to see the Society maintain a publication in its name, he caused said Bulletin to be published and circulated not only among its subscribers, but among the patrons of his library, and paid practically the whole expense of its publication and circulation, as before set out.

25, 26 & 27. The defendant admits that in the Fall of 1911 he began the publication of the O. E. Library Critic because of the fact that objection was made to some of his methods of conducting the Library and publishing the Bulletin. He says that said Critic was issued as the organ of the Library; that before beginning the issuance of the same he notified the trustees of the Society of his purpose, as will more fully appear by reference to Defendant's Exhibit "A" filed herein as part of his answer to aforesaid rule to show cause; that no objection whatever was made to his course of action and no suggestion or intimation made that the Library was not under his exclusive control; and that at no time prior to the Summer of 1912 was any such suggestion or claim ever made or advanced by said Center or said Society or any member connected therewith.

28, 29 & 30. Answering paragraphs 28 to 30, the defendant

denies that the name Oriental Esoteric Library had been adopted by any of the plaintiff corporations before the same was used by him. He admits that he used the name of the Center and of the Society on the letter-heads used in connection with the Library, but such use was made solely for the purpose of advertising the Society and the Center and was not of any special benefit or advantage to him. He admits it to be true that about eight (8) of the foundation members of the original Center, of whom this defendant was one, transferred or attempted to transfer all the interest they had in the property of said original Center to the incorporated Center but he denies that they attempted to transfer any interest in the Library or that it was so understood by any of the parties at that time. He admits that the work of the Library has grown and increased and now employs about twenty-one (21) clerks in various capacities and that he loans and sells large numbers of books. Up to the Fall of 1911 he received the subscriptions for the Bulletin under an arrangement with the Center and subsequently with the Society, by which it was provided that he undertake to issue said Bulletin for the Society and to make up the deficit between the amount of said subscriptions and the cost of publishing and mailing the same, he to have the exclusive use of one-half of said publication for such articles and advertisements as he desired to publish therein. Under such arrangements, as was well known to the Society, the amount received for subscriptions was scarcely more than enough to cover the postage to the members of the Society, leaving a large deficit of from \$30.00 to \$50.00 a week to be made up by him. He admits it to be true that none of the plaintiff corporations or any person connected with them have ever at any time called upon him for an accounting nor have they claimed any such right as to said library. He denies that it was ever understood by any of said plaintiff corporations or any persons connected therewith that he transferred any interest in said library to any of them or that he recognized their interest in the same. He denies

that there are any books whatever in said library belonging to the plaintiff corporations, or any therein that were ever contributed by any of said corporations or to any of said corporations.

31 & 32. Answering paragraphs 31 and 32 the defendant denies that he had not until recently made the "slightest intimation of personal ownership of the library and its effects", as alleged and attempted to be shown in said paragraphs. On the contrary, he says the truth to be that no contrary claim has ever been made until the Summer of 1912; that in his correspondence with Agnes E. Marsland in 1908 he distinctly claims the library as he own and she recognizes his claim thereto, as more fully appears by reference to Exhibit "I", attached to this defendant's said answer to the rule to show cause, and that his absolute right to said library was recognized by her up until the month of June, 1912 will further appear by reference to Exhibits "M", "N", "O" and "Q", also attached to his said answer to said rule.

33, 34 & 35. The defendant admits that of necessity some confusion followed the termination of the affiliation between the Society and the Library so far as the public is concerned, because of their close identification and because of the efforts of this defendant to interest the patrons of the Library in the Society and the Center. As hereinbefore pointed out, the said affiliation had been the source of membership and income to the Center and to the Society. Just as the defendant was willing to allow the Center and Society to have quarters in his home and to allow them to use his telephone, he used his library to give such assistance as he could to their development and growth and so far as he was concerned, he was entirely willing to continue the affiliation and to continue recommending membership in the Society to patrons of his Library, even after he started the publication of his own known as the O. E. Library Critic and after he had been removed, or at least after the said Agnes E. Marsland had attempted to cause his removal as a trustee or director of the Society, as will be verified by an examination of the files of

the Critic up to May 22, 1912. He says that to prevent confusion he gave notice to his patrons and advertised in the Critic the fact that the affiliation had been terminated and did what he could to prevent confusion as far as possible and to insure to the Society and to the library what belonged to them respectively.

36 to 42. Answering paragraphs 36 to 42, this defendant shows that the plaintiffs, having terminated the affiliation between the Society and the library, instead of doing what they could to obviate the confusion, have deliberately and intentionally done all they could to bring about the greatest confusion possible, to interfere with the defendant's business, and to injure, harass and annoy him in the conduct thereof, as will appear by a recital of the following facts, which as the defendant believes, constitute a complete answer to these paragraphs: Said Agnes E. Marsland began her attack upon this defendant about May, 1912, claiming that certain articles which the defendant had published in the Critic were intended as an attack upon the Society and upon her personally. She thereupon removed or attempted to cause his removal from the Board of Trustees of the Society and on May 13th notified him that the affiliation between the Society and the defendant's library had been terminated, and directed him to remove from his book-lists and literature the words "affiliated with the Oriental Esoteric Library". The defendant complied with her requests and that he did not return his attacks will be shown by the ^sfiled of the Critic in which he continued to recommend membership in the Society. On May 20th he was further requested by her as President of the Society to take the Society's name off all of his announcements and to cease to use its letter-heads. On May 21st, she requested him to cease using the words "Oriental" and "Esoteric" as part of the name of the library. About the same time she made claim at the Post Office Department for mail addressed to the library to be sent to her at 1419 R Street, N. W. The Post Office, having refused to recognize her claim, she

caused the plaintiff corporation, Oriental Esoteric Library of the United States of America, on or about the 31st day of May, 1912, to be incorporated and thereupon she wrote to the defendant about June 13, 1912, that the use of "our library name" could no longer be permitted and directing him to gather together any books or records that he had belonging to her, to the Center or the Society. The defendant in the meantime having advised her of his reasons for declining to abandon the name under which he had conducted the library since 1910, she thereupon illegally undertook to remove him as trustee of the corporation known as the Oriental Esoteric Center of the United States of America, and about the same date she made demand upon the defendant for an account of the financial status of the library in detail and a list of its books, catalogues, etc. Thereafter, on or about August 9, 1912, she caused the plaintiff corporation, Oriental Esoteric Library to be organized and began the solicitation of funds for the taking of the library away from the defendant. About the same time she also procured the purchase of premises 1443 Q Street, N. W., in which the defendant had lived since 1905 by some person who refused to extend his lease, which expired on the 30th day of September, 1912; thus forcing him to remove his home and library to his present quarters at 1207 Q Street, N. W. Thereupon, on or about the first day of October, 1912, having taken possession in the name of the corporations which he had organized of said premises 1443 Q Street, N. W., she caused notice to be published in the Bulletin that the books which had been loaned by the Oriental Esoteric Library should be returned to said library at 1443 Q Street, and about said time in the name of said corporations she made demand upon the Postmaster that all mail addressed to the Oriental Esoteric Library should be delivered to the representatives of said corporation at 1443 Q Street. The facts in the case, however, having been submitted to the Postmaster and by him to the Post Office Department, that official again refused to cause said mail to be delivered to the plaintiff corporations or even to apply for a receiver as he was authorized to do in the case of a bona fide dispute as to the owner-

ship of mail. All of which will more fully appear by reference to this defendant's exhibits marked L to U, inclusive, attached to his aforesaid answer to the rule to show cause.

Further answering, the defendant shows to the Court that the said Agnes E. Marsland had no right to make the defendant corporation, Oriental Esoteric Center of the United States of America, a party to this cause; he says that he is one of the trustees and officers of said corporation, the others being Miss A. E. Marsland, Mrs. M. E. Brown and Miss E. C. Gray, all of whom were elected on the 24th day of March, 1912; that in addition to said officers the only other active trustee is Mrs. Florence Louise Lyon; that the said Mrs. Lyon and Miss Gray and this defendant have not authorized the institution of any such suit on her part but are opposed to the same; and that the said Mrs. Lyon and Miss Gray disapprove thereof and deny the truthfulness of the allegations in said bill, as will appear by their affidavits attached to this defendant's answer to said rule, as Exhibits B and E. He, therefore, avers that the Oriental Esoteric Center of the United States of America is not rightfully a party to this cause.

And now having fully answered, the defendant prays to be hence dismissed with his reasonable costs in this behalf most wrongfully sustained.

Levin Cox & Hall
Attorneys for Defendant.
District of Columbia, D.C.

Henry N. Stokes

I, Henry N. Stokes, on oath state that I have read the foregoing Answer by me subscribed and know the contents thereof; that the matters and things therein stated as of my own personal knowledge are true, and those stated therein upon information and belief I believe to be true.

Henry N. Stokes

Subscribed and sworn to before me this 29th day of October, A. D., 1912.

Gertrude Ellis
NOTARY PUBLIC, D. C.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

ORIENTAL ESOTERIC CENTER of the
United States of America,
A Corporation, et al.,
P l a i n t i f f s,

-vs-

HENRY N. STOKES,
D e f e n d a n t.

Equity No. 31317

HENRY N. STOKES,
Cross-Plaintiff,

-vs-

ORIENTAL ESOTERIC CENTER of the
United States of America,
A Corporation, et al.,
Cross-Defendants

District of Columbia, ss:

Charles G. Warden, a member of the incorporated firm of
TYLER & RUTHERFORD, on oath depose and say that from an in-
spection of Lease Agreement between TYLER & RUTHERFORD, in-
corporated, and Miss AGNES E. MARSLAND, for one year from
October 1st, 1907 of premise s 1443 Q Street, Northwest, and
from a further inspection of the Records of the said Tyler
& Rutherford, incorporated, Miss Agnes E. Marsland leased
1443 Q Street, Northwest, ~~year by year~~, from ^{April 4th, 1904,} ~~October 1st,~~
~~1905~~, to the 1st of October, 1908.

Charles G. Warden

Subscribed and sworn to before me this 18th day of Nov-
ember, 1912.

Albert W. Liggins
Notary Public
DC

Lease.

May 5 1908 For value
Received the within lease is
hereby transferred with all
rights and interests of the same
assigned to A. D. Addison
TYLER & RUTHERFORD, INC.
Charles E. Anderson
Secretary

BETWEEN

Tyler & Rutherford (Inc.)

AND

Miss Agnes E. Maryland

Premises No. 1443 "L" St. N.W.

Rent, \$ 45.00 per month.

Payable in advance

TYLER & RUTHERFORD
(INCORPORATED)
REAL ESTATE AND INSURANCE
1307 F STREET NORTHWEST
WASHINGTON, D. C.

MADE BY THE LAW REPORTER PRINTING CO., 515 FIFTH ST. N. W., WASHINGTON, D. C.

Surety Bond

In consideration of the letting of the premises above described, and for the sum of one dollar, do hereby become surety for the punctual payment of the rent and performance of the covenants in the within written agreement mentioned, to be paid and performed by

and if any default shall be made therein hereby promise and agree to pay unto such sum or sums of money as will be sufficient to make up such deficiency and fully satisfy the conditions of the said agreement, without requiring any notice of non-payment or proof of demand being made.

Given under hand and seal the day of 190
Signed, sealed, and delivered in the presence of—
Witness at signing:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

ORIENTAL ESOTERIC CENTER OF THE)
UNITED STATES OF AMERICA,)
A Corporation, et al,)
Plaintiffs,)

vs.)

HENRY N. STOKES,)

Defendant.)

EQUITY NO. 31,317. OCT 30 1912

ANSWER TO RULE TO SHOW CAUSE.

The defendant, Henry N. Stokes, for answer to the rule to show cause issued herein on the 3rd day of October, 1912, and to so much of the bill of complaint as he is advised it is necessary for him to answer, answering sayeth:

The defendant, who is a citizen of the United States and resident of the District of Columbia, has, since 1905, conducted a circulating library. It was located at 1443 Q Street, Northwest, from its beginning until about the middle of September, 1912; and since that time at 1207 Q Street, Northwest, its present headquarters. This library was founded by him, the idea having been suggested by the Library of the Local Theosophical Lodge, of which he was a member. It has been conducted from the beginning solely at his own expense. He has paid the rent of the quarters occupied by it, and all expenses incident to its operation, including the purchase, circulation and distribution of books and the payment of all clerk hire and office expenses. He has conducted it always as he saw proper, and no one prior to the 26th day of June, 1912, ever suggested or intimated that it was not his sole and exclusive property. Even the Treasurer of the two first-named plaintiff corporations, whom he employed as Chief

Clerk of the library, was paid by him and summarily dismissed without question.

The history of the association and affiliation of his library with the Oriental Esoteric Head Center of Washington, unincorporated, (which was a branch of the Order of the Initiates of Thibet and subject to the General Inspector of the Supreme Council of that Order^{and})/with the plaintiff corporation, Oriental Esoteric Society of the United States of America, a corporation, is in brief as follows:

Affiliation with original Center (Order of Initiates of Thibet).

When the library was begun in 1905, there was no active Esoteric Center in existence in Washington. Miss A. E. Marsland, who returned from Europe about April, 1905, brought authority of the General Inspector of the Order to conduct public meetings in its behalf; but she was not President of the Center, there was no council, organization or officers of any kind, and she had no authority to appoint any officer whatever.

The defendant who, like Miss Marsland, was interested in theosophical and occult studies, began the library by renting his own then small collection of theosophical books to persons interested in the subject at the rate of ten cents per week for any book he had. A few other persons, seeing the use he was making of his library, gave or loaned him, perhaps altogether, a dozen books to use in the same way; but no other books were subsequently donated to the library. The amounts he received as rentals were at first very trivial. He added such books as he bought for his own use and others that he thought would be of interest, expending considerable sums of money in this way. Soon after the library was begun, he began to buy and sell books, taking and using the profits as he saw fit. In the Fall of 1907, he adopted from the Theosophical Society the idea of having a mailing library. He informed Miss Marsland of his plan, but that he got permission

from her to adopt it, as claimed by her, is not true. He did not wish to advertise a library of theosophy and occultism in his own name, because of his then connection with a scientific Government Bureau, and he pointed out to Miss Marsland, who was trying to re-open a Center or branch of the Order she represented, how he could, without increased expense to himself, advertise the Center to the public at large by advertising the library in its name. As she approved, at his sole expense, he had circulars and advertising books printed, and inserted advertisements in various magazines, using in many of them the name of the Oriental Esoteric Center, but also advertising as the Library of Occultism.

By the Summer of 1908 Miss Marsland had secured a sufficient number of adherents to enable her to have the Center, which had been closed for three years, re-opened. It had few (10) members and little resources. By identifying the Center with the library, it was believed that the defendant's advertisements and circulation of books could be used to increase the membership of the Center, Miss Marsland accordingly sought to have the defendant designated by the General Inspector of the Order as Deputy and Librarian of the Center, not because the defendant was giving his library to the Center, but in order that the Center might get the benefit that would accrue from being identified with the library. As the regulations of the Order, however, made no provision for a librarian, the General Inspector repudiated the recommendation, appointing the defendant as Deputy only, an office which he continued to hold until 1910. The title, Librarian, was one which the defendant adopted for himself.

The library, however, was still advertised as the Library of the Center for the purpose of giving publicity to the latter. It was agreed that a leaflet known as the "Bulletin" should be the organ of the Center. The defendant agreed to

use this Bulletin as an advertising medium for his library, one-half its space being set aside for his advertisements and such articles as he desired to publish, and to make up the deficit between the amount received from subscribers and the cost of publication, In addition to sending it to subscribers he circulated it at his own expense among all the patrons of the library, and as the amount received from subscribers was very small, practically the whole expense was borne by him. Up to 1910 the library was always referred to in the Bulletin and in circulars issued as the Library of the Oriental Esoteric Center, and by means of the circulation which the defendant gave this Bulletin, through the books which he circulated and through the personal letters he wrote to the patrons of the library, recommending that they join the Center, its membership, as well as its income which arose from the dues and contributions of its members, was very largely increased. The work of the library had grown to such an extent by April, 1909, that the defendant resigned his position with the United States Government in order to devote his time, energy and resources to the extension of its work.

Affiliation with plaintiff, Oriental Esoteric Society of U.S.A.

In April, 1910, owing to dissension between the members of the Center and the General Inspector of the Supreme Council of the Order of Initiates of Thibet, some of the members, among them the said Miss Marsland and the defendant, formed the corporation known as the Oriental Esoteric Society, one of the plaintiffs herein. The "Bulletin" of the Center was transferred to the Society and thereafter issued as being published by it. The defendant at the same time affiliated his library with the Society, adopting the name Oriental Esoteric Library, the other name under which it had been advertised being thereafter practically abandoned. Upon objection

by some of the members of the Society to the library being held out in such a way that the Society might be made liable for debts incurred by the defendant in the conduct of the library, it was advertised beginning with the Bulletin of May 20, 1910, as "Affiliated with the Oriental Esoteric Society". The relation of the library to the Society was thereafter the same as it had been to the Center. Defendant continued to use his section of the Bulletin, paying practically the whole cost of its issuance and circulation and continued to recommend membership in the Society to the patrons of the library; and, as had happened in the case of the Center, the membership of the Society was largely increased as a result of his efforts. In the Summer of 1911 objections were made to some of the articles published by the defendant in the section of the Bulletin allotted to him. He thereupon, to prevent discord, notified the Society, as will appear by reference to his letter to the trustees, dated July 17, 1911, copy of which, marked "Defendant's Exhibit A", is attached hereto and made a part hereof, that he would cease the use of the Bulletin and start a publication of his own for the library. He thereupon began to publish the "O. E. Library Critic" without objection on the part of the Society or any one connected therewith, or the intimation or suggestion that the library was in anywise subject to their control. In this Critic he continued to advertise the library, however, as "Affiliated with the Oriental Esoteric Society" and to recommend to its patrons membership in the Society up to the Summer of 1912, when he was directed by Miss Marsland, as the President of the Society, to discontinue advertising any affiliation between the library and the Society, as will appear by reference to her letter of that date hereinafter referred to and filed as an exhibit.

Relation to plaintiff, Oriental Esoteric Center of U.S.A.

The action on the part of Miss Marsland and her as-

sociates in forming said Society and transferring the Center's Bulletin to it, as aforesaid, increased the dissension between her and the General Inspector and finally resulted in the suspension of the officers from the Council of the Center and the expulsion from the Order of Miss Marsland and her associates in the Society, including this defendant. The representatives of the Order in the course of the dispute threatened proceedings to prevent the use by the Society of the name "Oriental Esoteric Center" on the Bulletin and inasmuch as a change in the name of the Bulletin would have made it necessary to secure re-entry to the mails as a second-class publication, those engaged in the publication of the Bulletin, in order to protect themselves in the use of the name, Oriental Esoteric Center, thereupon caused the corporation known as the "Oriental Esoteric Center of the United States" to be formed. This corporation never had any connection whatever with the Oriental Esoteric Head Center of Washington or with the Order of the Initiates of Thibet. On the contrary, it was formed by members who had been expelled from said Center and said Order, solely for the purpose of protecting themselves in the use of the name, Oriental Esoteric Center, on the said "Bulletin", then being published by the Society.

After this Center had been incorporated, certain of the foundation members of the original unincorporated Center claimed that the physical property of the Center from which they had been expelled belonged to them individually, and signed an agreement by which they transferred whatever interest they had in said property of the original Center to the incorporated Center. That the library of the defendant was not claimed as the property of the original Center and that it was not intended to convey or to attempt to convey it to the incorporated Center, is shown from the fact that although the library alone was of the value of several thousand dollars, the pro-

perty transferred was estimated to be of the value of only about \$400.00.

This incorporated Center from the time of its organization down to the Summer of 1912, did no work whatever, held no meetings, except annual meetings for the election of officers, and maintained its nominal corporate existence solely with a view to protection against attacks by the representative of the Order of the Initiates of Thibet.

Proof that neither original Center nor Society
had any interest in Library.

Affidavits of officers and foundation members.

To show that the foundation members of the original Esoteric Center and the Directing Council thereof fully understood and recognized that the defendant was the exclusive owner of said library, that it was identified by him in name with the Center for the benefit of the latter, he attaches hereto and makes part hereof the following affidavits:

Affidavit of Edith C. Gray, who was a student of Miss Marsland from 1906 to 1908, a foundation member, secretary and member of the Directing Council of the Oriental Esoteric Head Center, unincorporated, and incorporator, trustee and secretary of the Oriental Esoteric Society from its incorporation to the Summer of the present year, and a trustee and secretary of the Oriental Esoteric Center, incorporated, since its incorporation up to the present time, marked defendant's "Exhibit B".

Affidavit of Ernest H. Brown, who was also a foundation member, vice-president and member of the Directing Council of the original Center, and incorporator of the Oriental Esoteric Society, incorporated, marked "Exhibit C".

Affidavit of E. C. Ewing and Mrs. Margaret W. Ewing, members of the Directing Council of the original

Center from 1908 to 1910, marked "Exhibit D".

Affidavit of Florence Louise Lyon, foundation member of the original Center, representative delegate to the Order of Initiates of Thibet, and incorporator, director and trustee of the Oriental Esoteric Society, and incorporator and director of the Oriental Esoteric Center of the U. S. A., marked "Exhibit E".

Affidavit of Mrs. Mary Elise Bingham, member of the Directing Council of the original Center from 1908 to 1910, marked "Exhibit F".

Affidavit of Mrs. Sarah F. Fitzgerald, President of the original Center from 1902 to 1905, marked "Exhibit G".

Affidavit of Fannie C. Willis, foundation member, member of Council and director, and secretary, marked "Exhibit H".

Admission of Agnes E. Marsland.

That the President of the plaintiff corporations, Miss A. E. Marsland, who swore to the bill filed herein, and who, as this defendant believes and avers, has taken exclusive control and direction of this litigation, at no time prior to June 26, 1912, claimed that said library belonged to the Center, but has explicitly recognized it as the exclusive property of this defendant, clearly appears from the letter of this defendant to Miss A. E. Marsland, dated Washington, August 14, 1908, addressed to the defendant at Rehoboth, Del., and reply of the said Miss Marsland, dated Rehoboth, Del., August 15, 1908, copies of which are annexed hereto marked defendant's "Exhibit I", as well as from the subsequent letters between them hereinafter mentioned and filed as exhibits.

Ownership of House and Telephone.

With reference to the house, 1443 Q Street, Northwest, defendant, says that he occupied said house as his home continuously from April, 1905, up to September, 1912, and paid the rent for the same during all of said period. One of the series of yearly leases under which he held the same from 1908 is attached hereto as defendant's "Exhibit J". As the telephone, "North 250", claimed by the plaintiffs as belonging to them, the said number was installed in his name in the year 1907, as will appear by reference to the contract entered into between him and the Company, annexed hereto as defendant's "Exhibit K", and since its installation he has paid all bills rendered for the use of the same. While it is true that the original Center and the Society after its incorporation had their headquarters in his home and while he allowed Miss Marsland and the Oriental Esoteric Center to have their names listed under said telephone number, both the occupation of the house and the use of the telephone were allowed solely by his favor and could have been terminated by him at any time and that the said house was recognized as his home as late as June of the present year will appear by reference to the letter of Miss Marsland to him, dated June 13, 1912, hereinafter referred to and filed as an exhibit.

Development of plaintiff's claim.

Further answering, this defendant avers that the real plaintiff in this cause is the said Miss Marsland, that she is using the said plaintiff corporation merely as covers for attacks which she has been making upon him since April, 1912, and which have culminated in her present efforts to deprive him of his library and library name, both of which he has made valuable by years of hard work and by great expenditure of money. He says that certain articles which he published in the Critic in April, 1912, which discussed general principles in an impersonal way and were in no sense per-

sonal, gave offense to said Miss Marsland, being construed by her as an attack upon the Society and upon her personally, with the following results:

On May 10, 1912, he was notified by her, as President of the Society, of his retirement from the Board of Trustees, as will appear by reference to her letter to him of that date, copy of which is annexed as defendant's "Exhibit L".

On May 13, he was notified that the affiliation between the Society and the defendant's library ("your library") no longer existed, and was directed to remove the words "affiliated with the Oriental Esoteric Society" from all his book lists, as more fully appears from copy of her letter annexed as defendant's "Exhibit M". The defendant complied with her requests, and that he did not return the attacks will be shown by the files of the Critic, in which he continued to recommend membership in the Society to the patrons of the library.

On May 20, he was further requested by Miss Marsland, as President of the Society, to take the name of the Society off all his announcements and to cease to use the Society's letter-head, (copy of letter being annexed as defendant's "Exhibit N"); which he had previously done for the purpose of advertising the Society among the library's patrons.

On May 21, she advanced a step further and requested him to cease using the words "Oriental" and "Esoteric" as part of the name of the library or on its literature, the letter (copy of which is filed as defendant's "Exhibit O") as the former letters, acknowledging the library to be the defendant's, but directing that it be not confounded with the Society by the use of any words in the latter's name.

About the same time she made claim at the Postoffice for mail addressed to the Oriental Esoteric Library and on or about May 28, 1912, was informed by the Postmaster,

that the mail would continue to be delivered to the defendant until she had established her right to occupy the position, as appears by letter of the Postmaster General hereto as defendant's "Exhibit P". Thereupon, on the 31st day of May, 1912, she caused the plaintiff corporation, Oriental Esoteric Library of the United States of America, to be incorporated.

Having incorporated said fictitious library, as President of the Society, she wrote the defendant on June 1st that the use of "our library name" could not longer be permitted, not questioning, however, the defendant's title to his library, and asking him "to gather together any books or records that you may have belonging to me personally or to the Center or to the Society", as will further appear by reference to a copy of said letter annexed as defendant's "Exhibit Q".

The defendant, in his reply, dated June 10, 1912 (copy of which is annexed as defendant's "Exhibit R"), stated to her in full his reasons for declining to change the name under which he had been conducting the library since 1910, she thereupon, by letter of June 20, 1912, for the first time made demand for an account of the financial affairs of the library in detail, and a list of the books, etc., preparatory to removing them from his home, as will appear by reference to a copy of said letter annexed as defendant's "Exhibit S".

On or about the same day, without notice to the defendant, she removed him as trustee of the Oriental Esoteric Center of the United States of America.

On or about the 5th day of June, 1912, she reorganized the plaintiff corporation, Oriental Esoteric Library of the United States of America, and thereupon reorganized the society, in a letter dated June 5, 1912.

the Bulletin in the issue of September 6, 1912, copies of which are annexed hereto as defendant's "Exhibits T and U", soliciting funds for taking the library away from the defendant.

About the same time she also procured the purchase of premises 1443 Q Street, in which he had lived since 1905, by some person or corporation not known to the defendant, but who thereafter refused to extend or renew the lease of this defendant, which expired on the 30th day of September, 1912; and the defendant, thus forced, removed his home and library to 1207 Q Street, in the month of September, 1912.

Thereupon, about the 1st day of October, 1912, she caused said premises, 1443 Q Street, N. W., to be taken possession of in the names of the corporations which she had organized and caused notice to be published in the Bulletin, dated September 27, 1912, that all books which had been loaned out by the Oriental Esoteric Library should be returned to said library at 1443 Q Street, N. W.

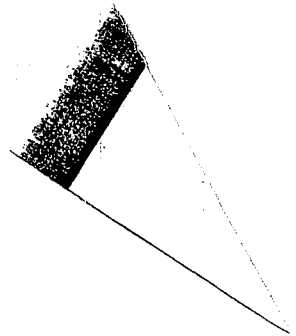
She also, about the same time, in the name of said corporations, made demand upon the Postmaster that all mail addressed to the Oriental Esoteric Library should be delivered to the representatives of said corporations at 1443 Q Street, N. W. The facts in the case, however, having been submitted to the Postmaster and by him to the Postoffice Department, he again refused to cause said mail to be delivered to the plaintiff corporations or even to apply for a receiver, as he was authorized to do in the case of a bona fide dispute as to the ownership of mail; and the delivery of mail addressed to the "Oriental Esoteric Library" has continued to be made to the defendant at 1207 Q Street, N. W.

Bad faith of Plaintiffs.

The defendant believes and avers that the conduct of said Miss Marsland and her associates in causing the said corporations to be organized with names like that of defend-

ant's library, in securing possession in their name of the premises 1443 Q Street, N. W., and in attempting to secure the return to her of the books and mail intended for the defendant, constitute on her part and on the part of said corporations unfair competition and an unjust and improper effort to deprive him of his property and to interfere with his established business.

He further shows to the Court that said Miss Marsland had no right to make the corporation, Oriental Esoteric Center of the United States of America, a party to this cause, and that her action in doing so was without authority of the officers and trustees of said corporation, and in violation of the wishes of a majority of them. He says that the present trustees of said corporation consist of Miss A. E. Marsland, Mrs. F. L. Lyon, Mrs. Margaret M. Bailey and the defendant, who were the original incorporators, together with Mrs. M. E. Brown, Miss E. C. Gray and H. H. Mack, who were afterwards elected as additional trustees; that said trustees have not been changed, and that as late as March 24, 1912, Miss Marsland, Mrs. Brown, Miss Gray and this defendant were elected officers of the said corporation. He avers, that on or about the 26th day of June, 1912, said Miss Marsland illegally undertook to cause this defendant to be removed as trustee and had a record of such removal placed of record on the minutes of said corporation. He says that no notice whatever was given to him of such action, that at the meeting held for the purpose not more than two out of the seven members of the Board of Trustees were present, and that a majority of the members of said Board have not consented to or approved said action nor have they consented to or approved the institution of this suit, but are opposed to the same. The affidavits of Mrs. Lyons and Miss Gray are attached to this answer as exhibits, and two others of said trustees, Mrs.



Bailey and Mr. Mack have been absent for a long time from the District of Columbia.

The defendant admits that some confusion unavoidably followed the termination of the affiliation of the Society and library, but he says that he has taken scrupulous care to see that all mail which was intended for the Society and which came addressed to the Library or to the Librarian, as occasionally has happened, was, together with all monies enclosed therein, transmitted to the Society. He also advertised repeatedly in the O. E. Library Critic, which went to all the patrons of the library, distinctly advising them that the library and the Society were no longer affiliated, and that the mail intended for the library should be so addressed, and that the mail for the Society should be so addressed. (See "Exhibit V".) He avers, on the contrary, that the plaintiffs, by their unjust and improper course, have deliberately attempted to bring about confusion with the end in view of injuring the defendant and diverting his business to themselves.

And now having fully answered, the defendant prays that the rule to show cause may be discharged.

Henry N. Stokes

Levin C. Hall
Attorneys for Defendant.

I, Henry N. Stokes, on oath state that I have read the foregoing Answer by me subscribed and know the contents thereof; that the matters and things therein stated as of my own personal knowledge are true; and those stated therein upon information and belief I believe to be true.

Henry N. Stokes

Subscribed and sworn to before me this 28th day of October, A. D., 1912.

Gertrude Ellis
NOTARY PUBLIC, D. C.

DEFENDANT'S EXHIBITS.

"July 17, 1911.

To the Board of Trustees

of the Oriental Esoteric Society.

FILED
OCT 20 1912

After very careful consideration, and with no other desire than to render the Society every service in my power, and at the same time to eliminate friction and to avoid making the Society appear responsible in the eyes of the public for any views of my own, or for any methods of the Library, I have come to the conclusion that it will be better to carry on the publication work of the Library apart from the BULLETIN.

The Library, while founded and carried on with no other object than aiding the propaganda, appeals to all sorts of people, most of whom are at the start entirely unacquainted with esoterism or occultism, and who are prompted by every conceivable motive. These people have to be taken at first on their own ground and supplied with the literature they wish, not with what we might choose for them; they must be met by an indirect method, not by direct attack. The Library has also a business aspect which requires a publication of a different order from one which is intended to appeal to a special class or limit itself to a special teaching. The publication in the BULLETIN of extensive lists of books which, however good they may be in their way, are not in any sense esoteric, may be thought inconsistent with the aims of the Society and calculated to bring on it the charge of commercialism.

The publication for which I am arranging will bear the name of the Library and the Library alone will be responsible for it. While meeting the Library's requirements as fully, or more fully than they are met in the BULLETIN, it will result in a large saving of expense without restricting its circulation. It will promote the interests of the Society in every possible way, without making it responsible for any views which may be expressed, or for any methods followed. As far as practicable it will be open to the Society for original articles, notices, etc. It will not be intended as a rival or competitor of the BULLETIN in any sense.

I regret that the means at my disposition at present are not sufficient to finance both publications at the same time, and I shall therefore be unable to contribute materially to the publication of the BULLETIN after the end of the present month. I shall be glad, however, to give it whatever aid I can in the way of soliciting, receiving and transmitting subscriptions, in keeping the subscription lists, in affording facilities for addressing and mailing, in getting envelopes at the lowest possible cost, and in any other way which will not be too great a financial burden on the Library. If the Library should adopt the addressograph system, and if the BULLETIN list remains combined with the Library list, it will probably be possible to address the entire BULLETIN list at almost no cost to the Society. Any experience I have, and any data as to publication, etc., are at the service of the Society now and in future.

I sincerely hope that a readjustment on this basis will meet the objections of those who have expressed dissatisfaction with my peculiar methods, which, however unesoteric they may be, have on the whole done something to create an interest in esoterism, and which have had no other object than that. I append a few data with regard to publication of the BULLETIN, subscriptions, etc., as far as they can be furnished at this moment. Very fraternally, C. H. H. Stokes

Exhibit A

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

ORIENTAL ESOTERIC CENTER OF THE)
UNITED STATES OF AMERICA,)
A corporation, et al,)
Plaintiffs,)

vs)

HENRY N. STOKES,)
Defendant.)

EQUITY NO. 31, 317.

HENRY N. STOKES,)
Cross-plaintiff,)

vs)

ORIENTAL ESOTERIC CENTER OF THE)
UNITED STATES OF AMERICA,)
A corporation, et al,)
Cross-defendants.)

FILED

NOV 19 1912

W. Young
clerk

Cross-defendant, Agnes E. Marsland, saving and reserving to herself all manner of exception which she might have by reason of her improper joinder as a cross-party defendant, when she was not a party to the Original Bill, and has no individual concern or interest in the subject-matter of said Bill save the life of the work itself, in which she is so vitally interested as to have given up her all to it, and saving and reserving to herself all benefit that might be hers by reason of the many imperfections, uncertainties and defects contained in said cross-bill, and that she might show to exist by way of demurrer, or otherwise soever, for answer to said cross-bill and its exhibits, or such parts thereof as she is advised are material and necessary for her to answer, says:

1. Answering Paragraph 1, this cross-defendant says that she denies that the cross-plaintiff ever began a circulating library at 1443 Q Street, northwest, or that he ever owned a circulating library on esoteric, theosophical and occult subjects at said house, and avers that the Library on said subjects that was started in the parlor at said house in the

Fall of 1905 was the Library of the said Center, for which she not only individually contributed about forty books herself, but knows of several others who likewise contributed to the start of said Library besides said cross-plaintiff; that she, in conjunction with Mrs. Bailey and said cross-plaintiff, prepared and hung at the same time a set of Center Library rules, and afterwards, as head of the esoteric work, whether for the Center or the Society, was always consulted with by said cross-plaintiff concerning any important step in contemplation concerning the work and operation of said Library, although in matter of detail said cross-plaintiff, who had been placed in charge of said Library work by the Center from its commencement, and who continued in said office up to the Spring of 1912, was allowed full scope of authority, especially as he was advancing money by way of open gift to the advancement of not only the Library branch of the Center's work, but as well in aid of other channels of its work.

2. She admits the averments of Paragraph 2 to be true except the one relating to the reopening of the Center at the time said Library was begun, which is inaccurate and incorrect, and which she denies, as said Center, established in 1902, continued until its dissolution in 1910, when its corporeal possessions, teachings and work were transferred to the then incorporated Center, and have since continued with said corporation up to the present time.

3. She denies that the cross-plaintiff called and allowed his Library to be designated as the Library of the Oriental Esoteric Center, because said cross-plaintiff was desirous of concealing his identity or connection therewith, and avers that the Library was called originally the Oriental Esoteric Center Library, or the Library of the O. E. C., or

for shorter use the Oriental Esoteric Library, and was always thereafter called by such names---all of which are synonymous---because they were its true and proper names, indicating and forming as they did an indissoluble part of said Genter's work, and were so impressed upon, received and understood by the public, and are so accepted by the public today.

She likewise denies the averment that the Genter was not in operation and effect in the Fall of 1905 when the Library was started, and avers that it was then in full force and effect.

She admits said cross-plaintiff advertised the circulation of books by mail, but only after said answering cross-defendant, as representative head of the Genter at the time, had been consulted and expressed her approval of the plan.

She denies that she reopened the Genter in 1908, as it was already open at the time, but she admits there was a reorganization of the Genter's affairs in 1908.

She denies that said cross-plaintiff ever affiliated this Library with the Genter and denies further the fact that he ever had a circulating Library of esoteric, theosophical and occult books at 1443 Q Street, northwest, although she admits that the cross-plaintiff not only cooperated with the Genter, but as an officer and its Librarian aided zealously at first in the work of the Genter and Society up to the Summer of 1912.

4. She denies the averments in Paragraph 4 and says that the members of the Genter and Society and the public have contributed in moneys from the loan and sale of books, and in various other ways, to the running expenses of the Library, while said cross-plaintiff has never held control and used said Library as his sole and exclusive property until the Spring and Summer of 1912, when for the first time he made open

claim to it and made it plain that he had made up his mind to claim the Genter's Library, name and good-will as his own, although still professing to be interested in the welfare and advancement of the work, obviously for the purpose of continuing his deception of the public, which had been lead to believe that the Oriental Esoteric Library was an integral part of the life and work of the Oriental Esoteric Center and the Oriental Esoteric Society by cross-plaintiff himself as Librarian in his correspondence and personal and public representations for a long period of time.

5. She admits that the Library up to 1910 had been usually designated the Library of the Oriental Esoteric Center, although to have said "Always", or "nearly always", would have been more expressive of the truth, for she denies that the Library was frequently advertised as the Library of Occultism, and ^{she believes} says that it was advertised in this way, but in one periodical and in the same number on another page was the announcement of the Library of the Genter which comprised the same body of books.

She denies that the name of the Library was ever changed since the adoption of its name first in 1905, as the name Oriental Esoteric Library is the same name as the Library of the Oriental Esoteric Center, or the Oriental Esoteric Center's Library, or the Library of the O. E. C., all of said names being synonymous each with the other, used indiscriminately but all used for the purpose of designating the Library of the Oriental Esoteric Center, and indicative of this branch of the work carried on by said Genter and Society; and having been so held out to the public by cross-plaintiff himself as Librarian were so understood and are so accepted by the public today.

She admits that there was an affiliation of the Center's Library with the Society for the better purpose of carrying on the work, but she denies that the expense of publishing the Bulletin was borne almost exclusively by the cross-plaintiff, and avers that it was paid for ^{in part} from the receipts coming in through the different channels of the Center's work, as is more at large set out in Paragraph 5 of the corporate cross-defendants' answer to the Cross-bill.

6. She denies that the Library had anything to do with the formation of the original Center, as the Center was founded first in 1902, while the Library was not begun by the Center until 1905, although she admits that from 1905 to 1910 the growth of the membership of the Center was largely increased through its Library branch of work, and after it had affiliated its Library work with the Society in 1910 that the Library likewise helped the growth of the Society, through which the Center was then carrying on its activities, just as it had been contemplated would be the case with regard to their work when the Library was first established in 1905.

She admits said cross-plaintiff gave the use of most of his house openly to the work, but believes now that it was done for the purpose of better enabling said cross-plaintiff to gain control over the Library and indeed the entire work of the Center, in order to ultimately claim the entire work as his own.

7. She admits that said cross-plaintiff resigned his position under the Government in 1909, but such resignation was handed in, as he then stated, on account of inharmony between himself and his official associates, ^{and} because an outsider had been promoted over his head. If it was said cross-plaintiff's Library why, after he had resigned from the Government, did he

not call it by his own name, or the Occult Library, or some distinctive name other than that belonging to the incorporated cross-defendants, their predecessor or predecessors? True, said cross-plaintiff has expended thousands of dollars, but he likewise has taken in and received thousand of dollars, and taking into account the present worth of the Library, with the good-will and incoming receipts from the loaning and selling of books added thereto, this answering cross-defendant on information and belief avers that said cross-plaintiff's disbursements about equal said Library's assets and the income therefrom.

8. She admits the publication of the Critic and avers it was made by the cross-plaintiff in direct imitation of the Bulletin and meant to deceive the public into the belief that it was the Bulletin, or organ of the Center and Society, just as said cross-plaintiff, after he had been directly advised of his severance from said corporate cross-defendants and their work, continued to use the stamp and name of the Oriental Esoteric Center, as is better shown by the exhibits to the Original Bill filed in this cause, which are prayed to be considered as a part of this cross-answer. The Critic was not stopped when it first came out because there was already a strained feeling existing between the said cross-plaintiff and cross-defendants and it was in order that every other means possible than open antagonism be first tried in the endeavor of these cross-defendants to again induce said cross-plaintiff to work in harmony with the teachings and faith of their work. It is true that the Critic was issued as published by the Oriental Esoteric Library, but the cross-defendants failed to appreciate or understand that the said cross-plaintiff was thereby making any personal claim to the

Library, which they believed to be one with the work, and only understood thereby that cross-plaintiff desired a larger scope for his utterances than through the medium of the Bulletin, which was the official organ of the work.

9. She denies taking personal offense ^{at} in anything said cross-plaintiff may have said or written about her, although officially she felt grieved that said cross-plaintiff, who theretofore had done so much for the cause, should at first insidiously and later openly be working against the faith for which he had always professed such enthusiastic veneration and respect, and felt she could no longer, as the representative head of the said cross-defendants, tolerate in their midst one who was unfaithful, and in the month of May, 1912, the cross-defendant, the Society, attempted to retire both Doctor Stokes and Miss Gray from its Board of Trustees, as no longer to be trusted thereon, but that finding its said action nugatory in this respect, it ^{effectually} repeated the same on June 4th, 1912, and later on July 16th, 1912, followed it up by removing both the cross-plaintiff and Miss Gray from membership in the Society, as more fully appears from the excerpted Minutes of said Society and copies of the letters afterwards sent out to both cross-plaintiff and Miss Gray, which are appended hereto marked cross-defendant's Exhibit 1, and prayed that the same may be considered as though at large set out herein. It is true she wrote him as President of said Society along through the Spring of 1912, to remove him from his work any and all connection with the work of the cross-defendants, and she further admits that on behalf of said cross-defendants she made application to the Post Office authorities for said cross-defendants' mail, which the Post Office authorities refused to deliver when addressed specifically to the Library, until said cross-defendants' right thereon

be made good through the Courts. She likewise admits the formation of the two later formed corporations for the purpose of protecting the Center and the Society from the Cross-plaintiff himself, using under corporate existence the name he was improperly and illegally claiming, as said name, the Oriental Esoteric Library, belonged to said cross-defendants, as hereinbefore has been shown, and the better to insure protection for the public, who had under the representations made by the cross-plaintiff dealt with the Library firm in the belief that it was an integral part of said cross-defendants' work.

She denies that said cross-defendants, or any of them, on or about the 26th day of June, 1912, without notice to said cross-plaintiff, illegally undertook to remove him as Trustee or Director of the Center, but avers that the said cross-plaintiff was legally and properly removed from his position in the Center when it was seen that he was no longer in harmony with the work, or in a position to longer serve as such Trustee, as is better shown by cross-defendant's ~~Exhibit~~ Exhibit 2, attached hereto and made part hereof and prayed to be so considered.

She admits making demands upon him as President of said incorporated Center for an account of the official status of its Library, etc., and when he refused to give up what did not belong to him, but did belong to the Center, she did seek aid, as President of said cross-defendants, and in her official capacity as such, to compel him to turn over what he was then and is now unlawfully attempting to keep as his own.

It is true when said cross-plaintiff had apparently made good his possessory right to said Library, its name, mail, effects, and good-will, and when said cross-defendants saw there was no other alternative but to sit supinely by and allow said

cross-plaintiff to take their most valuable adjunct and possession for his own uses and purposes or to resort to the Courts for the recovery of their own, they brought these present proceedings to that end, and for authorization therefor, if such were necessary, they append hereto a copy of said Center's Minutes under date of July 6th, 1912, which is marked cross-defendant's ~~Exhibit~~ 3, and is prayed to be considered as a part of this cross-answer.

10. Said cross-defendant, answering said Paragraph 10, denies said cross-plaintiff's averments therein in toto, and for more specific denial in answer to the therein referred to Exhibits, and taking them up in the order in which they are appended to said cross-plaintiff's Answer to the Original Bill herein, says:

Exhibit A. She admits said cross-plaintiff sent the letter to the Board of Trustees of the Oriental Esoteric Society, of which the cross-plaintiff was himself one at the time, but avers that it never dawned on her, as President, of said Society, that said cross-plaintiff was making any personal claim to the ownership of said Library, which has always belonged to the Center, being affiliated with the Society only for the purpose of convenience.

Exhibit B. Miss Gray knew nothing about the formation of the Library or its foundation, as she was not officially connected with the Center's work until 1908, having only been Miss Marsland's student before the reorganization of the Center, and what her "understanding" might have been from secret conclave, this cross-defendant cannot say, but if anything is to be judged of from the signature of Miss Gray to the Minutes of

both Center and Society, it is somewhat difficult to apprehend how she could arrive at any such "understanding" as is now contended for; as the Minutes of both organizations are full of illustrations of Doctor Stokes' official position as Librarian of the Center and the Society.

Miss Gray is correct, however, in this, that "prior to the Summer of the present year the exclusive and absolute right of Doctor Stokes to the title and control of said Library was never to my knowledge ^{questioned}" This was true because of the very obvious reason that such title and control had never been claimed for or by him and because cross-defendant, with her other cross-defendants and the remaining officers, directors and trustees of both Center and Society, who were loyal to their faith, had never for one moment imagined such a claim, much less questioned it; neither had they any reason to believe that said cross-plaintiff would ever act the reverse of his then utterances, both oral and written and his repeated declarations that the work was all one, as indicated by his resenting the expressions "your side" or "my side" as applied to the various branches of the work, particularly as applied by this cross-defendant to the Library branch of the work, as is better and more at large shown by cross-defendant's Exhibits 4, 5, 5 and 6, attached hereto, made part hereof, and prayed to be considered as though at large set out herein.

Again Miss Gray is mistaken about there being no organized Center in Washington from 1906 to May of 1908, as there was, as is more particularly shown from said cross-defendant's Exhibit 4, already made a part of this Answer.

That early in 1906 it was as Miss Gray asserts: There were two or three shelves or more of books relating to esoterism, which were loaned by said cross-plaintiff for a small hire,

but she is mistaken about these books being included in Doctor Stokes' private Library, which he kept upstairs, as these books have been placed separate and apart in the parlor of this cross-defendant's house for the very purpose of beginning a collection of books useful and in aid of the studies they were all then professedly engaged in.

It is unquestionably true that this Library grew from donated books and from the receipts received from members of the Center and the public interest in the work, as well as personal advances made the work by said cross-plaintiff from time to time.

It is somewhat strange that Miss Gray, as well as said cross-plaintiff, insists upon the fact that said cross-plaintiff was not the official Librarian of said Center when in the Minutes from time to time, signed by herself and said cross-plaintiff, and in the Center's circular advertising, which was prepared by said cross-plaintiff himself, they both appear in their respective official capacities, and in the Exhibits to the Original Bill, herein made part hereof, it is conclusively shown that said cross-plaintiff was the officially appointed and recognized Librarian of the Center and that it was under the cover of said position that the Library grew to its present proportions. As further evidence of such a fact, if the same were necessary, see the defendants' Cross-exhibit 7 to this point, which is made a part hereof as though at large appearing herein.

Of course, the Library was an aid to the Center. That is what it was organized for. That is the purpose for which it was established. These cross-defendants would not have continued it if it were not ~~been~~ useful to them in the advancement of their faith and in the promotion of their said cause.

Again, enough has already been said as to the real reason

Doctor Stokes gave up his position in the Government, although these cross-defendants believe that at the time said cross-defendant had made up his mind to devote his life and energy of purpose to the work of the said cross-defendants, but later, finding he could not control the entire work and conduct it as he wished, he then made up his mind to take what he could for himself.

Miss Gray knows that said cross-plaintiff was himself as active in the incorporation of the Society as cross-defendant ever was, and this answering cross-defendant avers that the said Center was incorporated under and by the legal advice of Mr. Cox, who was then employed for that purpose by Doctor Stokes, ^{and this cross-defendant.}

Thereafter, it is asserted in said Exhibit B that Doctor Stokes designated his Library as the Oriental Esoteric Library; whereas, if it was his and he claimed it, why did he not claim it under some distinctive name and not use again the name ^{of} that ^{the} these cross-defendants in x slightly changed form which the omission of the word "Center" made, and which marks no real difference of name?

If it was suggested to Miss Gray that Doctor Stokes advertised the Library as the ^{Oriental Esoteric} Library, ~~of the Oriental Esoteric Society~~, because some of the Trustees were afraid that the Society might become liable for debts, etc., it was a suggestion that never came to the ears of this cross-defendant; but it could scarcely make any difference whether the Society might thereby become liable or the Center, as they were both one and

it would seem rather extraordinary that such a trivial point should have been raised.

Again, it is urged in Miss Gray's affidavit that the close association of the Society with the Library was undoubtedly of great aid to the Society. Of course it was. The Center and Society, which were but one in purpose, had their different channels, ^{which} through [^] their work was advanced, and the object of their existence helped and aided ; and of these their Library branch was one, and one of their most important sources from whence said aid was received. It was their own work. Why should it not have been of advantage to them?

As for the averment contained in the said affidavit of Miss Gray to the effect that the authorities of the Supreme Council of the Initiates of Thibet expelled the officers of the Center and closed it, this cross-defendant says the same is untrue, and that the only member who was expelled was Dr. Stokes, as more particularly appears from excerpts of the Order Report, marked "Cross-Defendant's Exhibit 8" and prayed to be considered herein as part hereof.

The Center could scarcely have been incorporated for the purpose alleged by Miss Gray, namely, the taking over of the Bulletin, because the Bulletin had already been legally transferred to the Society on May 3rd, 1910, while the Center was not incorporated until August 23d, 1910.

Dr. Stokes was one of this answering cross-defendant's associates and one chiefly instrumental in bring^{ing}_^ about not only the incorporation of the Society, but as well that of the Center.

As for the "attempted" conveyance of the property rights of the original Center, it was done in obedience to the regulations governing such matters among them, and was done upon the legal advice of Mr. Cox, who had been engaged professionally by Dr. Stokes ^{and this cross-defendant} _^ to help the Center through the troublesome time it was experiencing in 1910.

The Library was considered a part of the property of the original Center -- it having been started for the very purpose of helping the Center's work -- and this answering cross-defendant has no recollection

of any \$400.00 ever being mentioned at the time of said transfer, and does not believe it was made; but whether made or not, says that the Library in question was not of a salable value of more than \$300.00 or \$350.00 at the time, although of inestimable worth to the Center.

Again this answering cross-defendant denies that the Oriental Esoteric Center of the United States of America has never had any connection with the Order of the Initiates of Thibet or was organized solely with the view to protect its incorporators against that Order in the use of the name Oriental Esoteric Center, or that it did ^{no} ~~any~~ work except elect officers up to the Summer of 1912, and was disowned and repudiated by the General Inspector, and says that on the contrary it has had and it does have connection with the Order of the Initiates of Thibet; that it was organized for the real purpose of transferring ^{the} corporeal possessions of the old unincorporated Center to the incorporated body, as well as to protect its name, and that it was always active in its work carried on so far as its business affairs were concerned through its sister corporation, the Society, and that it was never disowned and repudiated by the said General Inspector.

Furthermore, this cross-defendant says that the entire concluding Paragraph of said affidavit is untrue and is false and misleading, for while the Library was under the control of Dr. Stokes from 1906 to 1912, it was under his charge and control as the Center's Librarian, and he expressly took charge of it in such representative capacity and not as an individual; that he provided quarters for this Library is true, but only since 1906, after the house became his, and then he openly gave the Library quarters to the work -- as appears by the Society's Minutes which show that said Library was at the time affiliated with said Society -- just as he gave the rest of the house, save the one bed-room which he retained for his own personal use. With the exception of all the books donated and contributed, it is true Dr. Stokes purchased all the books it contained, but not with his own money, but with the money of the Center which had come into Dr. Stokes' hands, as Librarian, from members and from the public at large, which formed a trust fund that he was bound to use properly as said Center's Librarian for the very purpose of upbuilding its Library. So likewise, as to the salaries of all the employees, ad-

DISTRICT OF COLUMBIA, to wit:

Agnes E. Marsland on oath deposes and says that she has read the foregoing Cross-Answer by her subscribed, and knows the contents thereof. That the matters and things therein stated as of her own knowledge are true, and those set forth on information and belief she believes to be true.

Agnes E. Marsland.

Subscribed and sworn to before me this 13th day of November,

1912.

Charles L. Cunningham
Notary Public, D. C.

Cross-dependants Exhibit 1

EXTRACTS FROM MINUTES OF THE ORIENTAL ESOTERIC SOCIETY OF
THE UNITED STATES OF AMERICA.

FILED

NOV 19 1912

W. H. Young

June 4, 1912--Retirement of Dr. H. N. Stokes and Miss E. C. Gray
from membership on the Board of Trustees.

The following Trustees were present in person: Miss Marsland,
Mrs. Brown, Dr. Smith. The proxies of Mrs. Bailey, Mr. Clark,
Mrs. Smith, Miss Spence, Mrs. Lyon and Mr. Mack were on the table.

.....
The resignation of Mrs. Lyon was read and accepted.

It having been brought to the attention of the President that
there was doubt in the minds of Dr. Stokes and Miss Gray as to the
regularity of the vote taken on May 14th retiring them from the
Board of Trustees, the following motion was made, seconded and
carried:

That in view of the inability of Dr. Stokes and Miss Gray to
coöperate and pull with the organization they be retired from the
Board of Trustees. The vote was, in favor: Miss Marsland, Mrs.
Brown, Dr. Smith, Mrs. Bailey, Mrs. Smith, Mr. Clark, Miss Spence,
Mr. Mack. This was eight votes of the ten Trustees now members
of the Board.

July 16, 1912-- Retirement of Dr. H. N. Stokes and Miss E. C.
Gray from membership in the Society.

The following Trustees were present in person: Miss Marsland,
Mrs. Brown, Miss Kiefer, Mr. Clark.

The proxies of Mr. Mack, Miss Spence, Dr. Smith, Mrs. Smith
and Mrs. Bailey were on the table.

It was moved, seconded and unanimously carried that in view
of the present attitude of Dr. H. N. Stokes and Miss E. C. Gray
toward the work and teachings of the Society, in view of the fact
that they cannot harmoniously coöperate with the Society in the
carrying out of its work and purposes, but are on the contrary
actively opposing the same, and in view of the necessity that all
workers in the Society should coöperate in Unity of Aim and Pur-
pose, they be, and they are hereby retired from membership in
the Oriental Esoteric Society of the United States of America.

July 20, 1912.

Miss Edith C. Gray,

P. O. Box 314,

Washington, D. C.

FILED
NOV 19 1912
W. Young
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My dear Sister:

I regret to have to inform you that you were at a recent meeting of the Trustees of the Oriental Esoteric Society of the United States of America, retired from membership in the Society. This action was taken by the Trustees because they deemed that your continuance as an Active Member, in view of your present attitude toward the Society and its work, is incompatible with that unity of purpose and cooperation among active workers in the Society which is indispensable to the proper conduct and propagation of the work and teachings for which it stands.

Will you please return to this office or to the President all lessons and other documents which you may have appertaining to the teachings received by you from the Society during your membership?

Yours fraternally,

Corresponding Secretary, O. E. S.

Dr. H. N. Stokes, Vice-President O. E. C. Inc.,
1443 Q Street, N. W.,
Washington, D. C.

My dear Brother:

Your letter of June 19th has been communicated to me. The facts in the case are briefly these: Some seven years ago, our Center (at that time active in my person and through the open talks I was giving under the authorization of the General Inspection) committed to your charge the nucleus of a small loan library, the books of which had been contributed by various members of my classes. You undertook to increase this Library, to care for the books, and to collect the dues all of which were to be turned back into the Library Fund.

All of these facts are clearly printed in our Bulletins, and these particular items were drawn up by yourself.

We have advertised the Library widely, sometimes devoting half of the space of the Bulletin to that purpose, and to the purchasing of Book-Lists. We have also permitted you to handle all the receipts that have come in without reporting the same in detail. We knew you to be a loyal Brother, and we believed implicitly in all the asseverations that you made to the effect that you had no other interest than to aid the Society and to help it to carry out its aims.

All the documentary and other evidence in the case goes to prove indubitably that the library is ours; therefore, your Fifth contention is preposterous. If you had been called upon to act in the same capacity in "All Soul's Church" for example, do you imagine that you would have been allowed to claim the Church Library as your asset at the end of seven years, however much money you might personally have put into it?

I therefore, as President, demand an account of the present financial status of the O. E. Library, in detail, and a list of its books, catalogues, etc., preparatory to our removing them.

Yours Fraternally,

President O. E. C.

July 20, 1912.

Dr. H. N. Stokes,
1443 Q Street, N. W.,
Washington, D. C.

My dear Brother:-

I regret to have to inform you that you were, at a recent meeting of the Trustees of the Oriental Esoteric Society of the United States of America, retired from membership in the Society. This action was taken by the Trustees because they deemed that your continuance as an Active Member, in view of your present attitude toward the Society, and its work, is incompatible with that unity of purpose and corporation among active workers in the Society which is indispensable to the proper conduct and propagation of the work and teachings for which it stands.

Will you please return to this office or the President all lessons and other documents which you may have appertaining to the teachings received by you from the Society during your membership?

Yours Fraternally,

EXTRACTS FROM MINUTES OF THE ORIENTAL ESOTERIC CENTER

June 26, 1912--Retirement of Dr.H.N.Stokes and Miss E.C.Gray from Foundation Membership.

At the Orient of Washington D.C. at the home of the President,.....June 26th, 1912, the Directing Council met in Session. The Minutes of the last Meeting were read and approved and signed. There were present in person or by proxy Miss A.E. Marsland, Mrs.M.E.Brown, Mrs.F.L.Lyon, Mrs.M.M.Bailey, Miss E.C. Gray and Mr.H.H.Mack. The Resp. Bro. Vice President, Dr.H.N. Stokes was excused. In consideration of the fact that the Bro. Dr.H.N.Stokes has and for some time past attacked the Teachings of the O.E. Center and the Work in his publication "The O.E.L.Critic," and having, moreover, recently claimed the Center's Library as his own personal property, he was declared to have been guilty of a grave fault and was therefore retired from Foundation-Membership by a three-fourths vote of all the Foundation Members. The Resp. Bro. Secretary, Miss E.C.Gray, having endorsed and defended the actions and views of the former Vice President, and having shown herself insubordinate and disrespectful to the President and other Officers, was also retired from Foundation Membership by a three-fourths vote of all the Foundation Members.

Cross defendants exhibit 342 NOV 19 1912

July 6, 1912---Dr.H.N.Stokes deposed from Office of Librarian of Center. President authorized to institute suit.

At the Orient of Washington, D.C., at the home of the President, Apartment 51, The Gladstone, 1423 R Street, N.W.,..... July 6, 1912, The Directing Council met in regular session pursuant to call of the Resp. Bro. President. There were present in person Resp. Bro. President Miss A.E.Marsland, Resp. Bro. Treasurer Mrs.May E.Brown, and Bro. Lincoln R.Clark who attended by request and acted as secretary of the meeting. The Proxies of Brothers H.H.Mack, Mrs.Margaret M.Bailey and Mrs.Florence L.Lyon were held by the President. The minutes of the last meeting were read, approved and signed. It was declared by unanimous vote of the Directing Council that in view of the refusal of Dr. H.N.Stokes to turn over to the Oriental Esoteric Center on the demand of the President the Oriental Esoteric Library, in view of his claim to personal ownership of the Library, in view of his retirement by the Directing Council from membership in the Oriental Esoteric Center, as set forth in previous minutes, and in view of his disloyalty to the Center in his dealings with the patrons of the Library, he be now officially declared to be no longer Librarian of the Center. It was the sense of the Council that the work of the Library be taken up by the Council itself for the present, in view of the crisis of its affairs. It was unanimously voted that the Oriental Esoteric Center of the United States of America proceed by and through its proper officers to enforce its right and title in and to the Oriental Esoteric Library by all proper means and by legal action if necessary; and the Resp. Bro. President was specifically authorized to institute suit for that purpose if deemed expedient by her.

July 9, 1912.

Miss E. C. Gray,

P. O. Box 314,

Washington, D. C.

My dear Sister:-

I am sorry to have to inform you that at a recent meeting of the Directing Council of this Center, held June 26, 1912, of which meeting you were duly notified, you were resigned from Foundation Membership in the Center by a three-fourths vote of all the Foundation Members.

You will not, I think, be surprised to hear of this action of the Council. It has been taken in defence of the work and with reluctance after a long time of waiting for your return to that loyalty and obedience which have formerly marked your relations with the Center, your fellow Directors and your Leader.

Yours fraternally,

President O. E. C.

July 9, 1912.

Dr. H. N. Stokes,
1443 Q Street, N. W.,
Washington, D. C.

My dear Brother:-

It is with great regret that I notify you that at a recent meeting of the Directing Council of the Oriental Esoteric Center, June 26, 1912, you were retired from Foundation Membership in the Center by a three-fourths vote of all the Foundation members. The Council took this step with reluctance, in consequence of your recent actions which it deems to be directly opposed to the best interests of the work and to those ideals and teachings which it is the Center's mission to give forth.

Yours fraternally,

President O. E. C.

Cross Defendants

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

ORIENTAL ESOTERIC CENTER OF THE
UNITED STATES OF AMERICA,
A Corporation, et al

Plaintiffs.

Vs.

HENRY N. STOKES,

Defendant.

HENRY N. STOKES,

Cross-Plaintiff.

Vs.

ORIENTAL ESOTERIC CENTER OF THE
UNITED STATES OF AMERICA,

A Corporation, et al,

Cross-Defendants.

REV 1-1912
Allyson
12/1/12

EQUITY NO. 31317.

District of Columbia, S. S.:

Agnes E. Marsland, on oath says that she is the President and representative head of the four corporate cross defendants, plaintiff's in the Original Bill, and has been such since their respective incorporations, and taking up seriatim the so-called history of the association and the affiliation and the library in dispute with the Center and Society, as set forth by the cross-plaintiff in his Answer to the Rule to show Cause, which issued on the Original Bill filed herein, further says that when the Library was begun in the fall of 1905, there was an active Esoteric Center in existence in Washington, as it had never been closed, and this affiant, who was the representative and delegate of the Center at the time mentioned, had the following plenary authority following:

(Excerpted from Charter granted by Grand Master of the Order of Initiation to Agnes E. Marsland, August 24, 1904).

WHEREAS, the Resp. Bro. Agnes E. Marsland unites all the conditions required by the General Regulations of our Supreme Authority.

We, Grand Master of the Supreme Council of the Order grant her full powers to constitute at the Orient of Washington, Centers of Esoteric study and of initiation under her absolute responsibility * * * * * which ^{said} power and authorization has never been rescinded or revoked.

The Library was begun by several persons donating the books they had on Theosophical and Occult studies; that among these affiant and Dr. Stokes were the most liberal givers, he donating about forty or fifty books and affiant likewise donating about the same number, and each bringing them ^{down} from up-stairs in 1443 Q Street, where they were at the time, and placing them on shelves in the parlor; that thereafter affiant with Mrs. Bailey and Dr. Stokes formulated Library Rules and Regulations, which were typewritten and hung adjacent to these books, providing for the loaning out of any of said books as aids to affiant's lectures at the rate of ten cents per week for any one book; that it is true that soon after the Library was begun, Dr. Stokes, who had been placed in charge thereof, began to buy and sell books, although as to taking and using the profits as he saw fit, this affiant says that she always understood from him that he was doing with this money as he had advertised and stated to the members of said Center and to the public at large whenever occasion arose for him to say anything about it, that it was going into a fund to be used for the purchase of new books and thus increasing the Library to the advancement of the work; that wherever he got his idea of having a mailing Library, he first suggested the proposed change to this affiant, and set forth its advantages as a means of making the Center self-supporting financially

in the work, and this affiant agreed to its trial and use; that whether he wished to advertise a Library of Theosophy and Occultism in his own name or not, he certainly did not suggest or intimate that he proposed to advertise "his" Library for the benefit of the Center, but always represented it as the Center's Library and always that it would redound to the benefit of the work, which he, because of his financial ability so to do, and because of his wish and endeavor to aid the work, ^{and did} ~~he~~ would ^{and the Center's} advertise at his own ^{and the Center's} expense, and the Prospectus Circulars, setting forth the aim and object of the Center, and stating that the Center had a Library, and stating that the Cross-Plaintiff, Dr. Stokes, was its Librarian and Officer, and that the moneys realized from the sale and loan of books, would constitute a trust fund, which he, said Cross-Plaintiff, gave affiant further to understand would be used for the building up of said Library and for no other purpose, went out to the members of said Center, to their friends, and the public at large, with this distinct understanding between affiant and the said Dr. Stokes.

✓ As before said, and now repeated by this affiant, the Center was never closed from 1902, when first started, up to the time of its dissolution in August of 1910, although it was reorganized in the summer of 1908, with ten active officers and a mailing list of from a thousand to fifteen hundred of its Bulletin subscribers, which doubtless had been increased up to that time by the establishment of the Center's Library and the advertisement of the Center's activities through the Library branch of its work; that at the time of the reorganization said cross-Plaintiff was designated deputy and librarian in accordance with the regulations and in accordance with the direct authorization of the General Inspector, as is more completely shown by Defendants' cross exhibits herein, which further show that the title "Librarian" was official, and was not one that

said cross-Plaintiff adopted for himself.

Affiant further says that it was agreed that the Bulletin, which was the Official Organ of the Center, should be used as an advertising medium for the Library, but not for Cross-Plaintiff's Library - for the Center's own Library - and that said Cross-Plaintiff agreed to pay and did pay towards and on behalf of said work the deficit between the amount received from subscribers and the cost of publication; that the Center's membership grew and largely through the medium of its Library, is true, but that this Library was even then considered by said cross-Plaintiff, or any other person, as said Cross-Plaintiff's own individual Library, is not true, nor is it true that said Cross-Plaintiff resigned his position with the United States Government to devote his attention to his Library, as the real reason for his resigning from said Government service was because he was disgruntled at the appointment of an outside man over him, and this not because of any lack of ability on his part, but because he was temper^amentally unfit for the first position in any organization, and it had been thus all through said Cross-Plaintiff's life in other fields of activity to which he has lent himself.

That on April 12, 1910, the Society was incorporated and the Bulletin was transferred to the Society, while the Center's Library was affiliated with the Society in order that the business part of the work might be carried on by the Society, while the spiritual side of the work was still retained in the Center. The Oriental Esoteric Center still kept its title to the Library, although after its affiliation with the Society, and for shortened or abbreviated usage, it was known as the Oriental Esoteric Library, and affiant further says she knew nothing about any objection raised "by some of the members of the Society to the Library

being held out in such a way that the Society might be made liable for debts" and certainly there was nothing official brought before the Society for it could scarcely matter to the Society or the Center - ~~for~~ the same members composed both, just as the aim and purpose of both was one and the same - whether the one or the other should be made liable for the Library's debts; that with the Society, as with the Center, it is true the Library increased their membership, but it was their Library, organized for this purpose, and certainly it would not have been continued had it not accomplished the purpose for which it had been established. That afterwards, and in the summer of 1911, said Cross-Plaintiff commenced to write distasteful and distressful articles in the Bulletin, and it became a constant fight between said Cross-Plaintiff and this affiant as to what he should be allowed to publish, and the said Cross-Plaintiff advanced the same argument then with regard to the ownership of the Bulletin, as he is now seeking to do with respect to the Library: That it was his to do with as he pleased, for he paid most of the cost of its issuance, etc, etc., and it was only when he was thwarted and checked in his ambition to control the entire work of the Center and Society, that he commenced to claim as his own, this Library which had been founded and which had grown up under the shield and fostering influence of said Cross-Defendant's name and prestige; and although, ~~as affiant now looks back upon~~ ^{that as regards} the letter said Cross-Plaintiff wrote at the time he established the Critic in exact imitation of the Bulletin ^{said affiant says} ~~she~~ did not conceive it possible that it held out any claim to individual ownership of said Library, for it was so clear to her mind at the time that this Library was an integral part of said Esoteric work, and always had been, and always would be, that she never for one moment thought an adverse claim would be made to it, least of all by Dr. Stokes, who always

referred to said Library as the Center's Library, For ~~even~~ when she might say to him, referring to some particular piece of work, this belongs to your branch of the work, or this is a part of the Library work, he would at once say, "The work is all one", or words equivalent, and always represented any suggestion that there was any severance in the work ~~even, let alone that~~ ^{especially} with regard to the ownership of their name and most valuable adjunct. That although the publication of the Critic by Dr. Stokes produced a feeling of astonishment at first and later of resentment, // not because of its insidious claim to the Library which was not even realized at the time, // but because he had so exactly copied and imitated the Bulletin as to deceive members and patrons of the work into the belief that it was one with the Bulletin, and thus enable him to circulate under cover of the Bulletin's standing, whatever he might choose to write, without check or hindrance from herself, as authoritative head of the work, ~~but~~ ^{still} she, said affiant, did not make any comment thereon at the time, in the hope that her silence might placate said Cross-Plaintiff and bring him again into line with their work and with his old-timed zeal and enthusiasm and all the active industry and ability that marked his best efforts in aid of their work; but ~~as~~ said Cross-Plaintiff, instead of doing better, went rapidly from bad to worse, and commenced to openly attack the work and bring her personally as representative and head of the work into disrepute with these active members and officers of both Center and Society, and did bring about the insubordination and disloyalty of Miss Gray, until both Center and Society were compelled to remove both Miss Gray and Dr. Stokes from their midst and from having anything further to do with their work.

As the result of the fomentation started by Miss Willis, ^{Dr. Sarah, who claimed to be} between the General Inspector, and the Center,

this affiant was threatened with expulsion, and said Cross-Plaintiff was actually expelled, as is shown by the cross exhibits herein, which are prayed to be considered as a part hereof; that the incorporation of the Oriental Esoteric Center was had for the specific purpose of taking over all the corporeal possessions of the unincorporated Center, as well as its name, and could scarcely have been designed to protect the name of the Bulletin, that publication having already been transferred to the Society; And that the Library was not only intended to pass, but did pass in the transfer which had been professionally advised, is evident from the paper itself, which distinctly says that the Foundation members, of which said Cross-Plaintiff was one, transferred all their property from the unincorporated Center to the corporate body; and that again said Cross-Plaintiff is mistaken when asserting that the Center only held its annual meetings, for it held weekly meetings concerning the spiritual side of its existence, which was what the Center was for, and its business activities were carried on by the Society, as was intended when the two corporations were respectively organized.

That as for the affidavits made and attached to said Cross-Plaintiff's Answer to Rule to show Cause, which Answer to said Rule was made an Exhibit to his cross bill herein, this affiant says they have elsewhere been disposed of and need no further attention in this affidavit.

So, too, with regard to the claimed admissions of this affiant.

With reference to the house 1443 Q Street, said cross-plaintiff is again mistaken about his paying rent therefor from April, 1905, up to September, 1912, as is better shown by this cross-defendant's Exhibit _____, although it is true that the said cross-plaintiff paid for the telephone, but whether out of his personal funds, or whether from the receipts and moneys received through the Library, she is not advised, although she always understood that the telephone belonged to the Center. As for said cross-plaintiff allowing this affiant and the Oriental Esoteric Center to have their names listed under said telephone number, as a matter of fact he advised said affiant that he had had the telephone put in for the use of the Center, and whether he paid for it out of the Library trust fund, or whether he paid for it out of his pocket, affiant says she did not realize that he could give and later ask the return of his gift at any ~~time~~ time he might see fit so to do.

As to the development of cross-defendants' claim, which was made necessary by the position assumed by said cross-plaintiff, as it was gradually and finally unfolded to her, it was made necessary after it was found out that said cross-plaintiff was really engaged in a serious attempt to take away and use as his own, what had always belonged to the Center, and was a vital part of its life and usefulness of work, and then it was that cross-defendants felt compelled to remove from their midst said cross-plaintiff and Miss Gray, both from the work of the Center and ^{the} Society, and the same was properly and legally effected either by the personal presence of the necessary number of officers and trustees, or with the use and aid of their proxies.

As for the alleged bad faith of the said cross-defendants in seeking to protect their own and recover their own, doubtless said cross-plaintiff would have been better satisfied if said cross-defendants had let him take anything and everything he wanted, without protest or endeavor to recover the same.

Affiant further says that the original Bill, filed in this cause, was duly authorized and that the action of said cross-defendants was not only with the authority of the officers and trustees of said corporation, but was directly authorized and directed by them, for of

the seven named trustees, viz: Miss A. E. Marsland, Mrs. F. L. Lyon, Mrs. Margaret M. Bailey, Dr. H. H. Stokes, Mrs. M. E. Brown, Miss E. C. Gray and Mr. H. H. Mack, said cross-defendants held the proxies of Mrs. Lyon, Mrs. Bailey, and had a proxy from Mr. Mack, which unfortunately and only lately has been lost or mislaid, so that again the said cross-plaintiff is in error when he says that ~~a~~ "majority of the members of said Board have not consented to or approved said action, nor have they consented to or approved the institution of this suit, but are opposed to the same."

Further this affiant says that as to the confusion resulting and unavoidably following upon the termination of the ^{Affiliation between the} Society and the Library, as a matter of fact said cross-plaintiff was using the envelope stamp of the Center on his mail up to the very time ^{and after} he removed from said 1443 Q Street, as more at large is shown by the Exhibits to the Original Bill herein prayed to be considered as a part hereof, which scarcely looks as though said cross-plaintiff had taken scrupulous care to prevent further confusion.

Agnes E. Marsland.

Subscribed and sworn to before me this 18th day of November,

1912.

A. L. Hess
Notary Public, D.C.

In the Supreme Court of the District of Columbia

Oriental Esoteric Center of the
United States of America
a Corporation *et al* *Defts*

Henry N. Stokes, *Aft*

Henry N. Stokes *Cross-Deft.*

Oriental Esoteric Center of the
United States of America
UNITED STATES OF AMERICA *Cross-Deft.*
ss.

DISTRICT OF COLUMBIA

Exhibit 5

Ex. no. 31317

FILED
NOV 19 1912
W. J. Young

May E. Brown on oath deposes and says that she is the Treasurer of the Oriental Esoteric Center of the United States of America, and has been such since the re-organization of the unincorporated Center in May of 1908; that as such Treasurer she has taken an active interest in the work of the Center and has an intimate knowledge of the work as it has been carried on since that time *has* also an intimate personal knowledge concerning the work of the Oriental Esoteric Society incorporated in April of 1910, and the Oriental Esoteric Center of the United States of America incorporated in August, 1910; that the work of both Center and Society has been carried on with the one aim and object in view of disseminating knowledge concerning their religious faith; that affiant's first connection with the unincorporated Center dates back to the summer of 1905 when as a student she first commenced to attend the lectures of Miss Marsland who was then the representative and delegate of the Center; that at that time 1443 Q Street, N. W., Washington, D. C., was leased by Miss Marsland and used by her as such representative and delegate of the Center as the headquarters of said Center and the place where Miss Marsland's lectures were delivered; that the parlor, on the ground floor of the building, was at that time set apart for such use and later and in the fall of the same year a small collection of books was deposited for use of the students in the parlor of said house; that at or about the same time there was prepared and hung adjacent to the book-shelves containing said collection of books a list of Rules and Regulations governing the conduct of said Library; that from this time up until the 5th of July of 1912 said Library, as it grew in the intervening years, still remained where it was started and first placed, although as time went on and its growth was such as to necessitate increased space, additional rooms in said house were used to accommodate the same; that up until about July of 1909 affiant was in the employ of Dr. A. R. Shands, and as his assistant in certain lines of his work enjoyed a lucrative position; that about the month of January, 1909, said affiant

received a telephone call from Dr. H. N. Stokes, who was then acting as Librarian of the Center and active in its affairs and work, asking affiant whether she would accept a position as his assistant; that affiant replied over the telephone she didn't know, but that she would see him in reference to the same and accordingly within the next day or two she called upon the said Dr. H. N. Stokes with reference to the taking of said position. Affiant states that in the conversation then had it developed that the salary attached to the said position was not more than one-half what she was then earning, that the said H. N. Stokes was well apprized of this fact; that affiant nevertheless agreed to accept the position tendered by the said Stokes and come to the Library as his assistant, and that this decision was reached upon the distinct understanding at the time between this affiant and the said H. N. Stokes that affiant was coming to work for the Center and the cause for which it then stood and now stands; that this affiant told the said H. N. Stokes at the time he and she entered into their contract of employment as aforesaid that she considered the duty which she owed to the Center and its work outweighed financial considerations and therefore that she was willing to make the financial sacrifice involved for the sake of the Center, to all of which the said H. N. Stokes assented and thereupon accepted affiant's services upon this understanding; that the acceptance of this position thus entailed a direct pecuniary loss to this affiant, and one that she would not have taken unto herself were it not for the chance of serving in her chosen faith, which had been her dominant wish and endeavor ever since she first joined the work. Affiant further states that about the middle of August of 1909, pursuant to the contract of employment entered into as aforesaid about January, 1909, she commenced her regular duties with the Oriental Esoteric Center, although she was directly paid by Dr. Stokes, just as he paid the costs and charges necessary for the running of the Library, the funds for this purpose being in part received from the members of said Center and said Center's Library from the loan and sale of books, donations and contributions throughout the years from said 1909 to July of 1912.

Affiant states that on July 5, 1912, she was summarily dismissed by said Dr. H. N. Stokes as an employee of said Center's Library because, after said Dr. H. N. Stokes had seen fit to at first insidiously and secretly and then openly attack

the teachings and faith in which this affiant was so vitally interested and after he had shown by his conduct that he intended, if possible, to dis sever the Library from the Center and after he had attacked Miss Marsland, who was their President and their titular head, she, said affiant, had sought to serve the Center and its Library and what was to her a holy cause rather than align herself in opposition thereto with the said Dr. H. N. Stokes personally; that on July 5th, 1912, when said Dr. H. N. Stokes had made plain his effort to bring about the dis ruption of their work, this affiant openly remonstrated with him and said, "Well, Dr. Stokes, I don't see how you can claim this Library as your own, especially when you know that ^{part of} these Library lists were made up by voluntary workers in the old incorporated Center, and there are cards in the list showing this," whereupon the said Dr. Stokes, who was very angry, sneeringly retorted, "Center--I will get Miss Willis and everybody together and I will prove there is no Center," to which affiant, seeing that it was useless to remonstrate further concerning the ownership of the Library and its name, said nothing more at the time. This affiant states that there was never any question raised as to the true ownership of both Library and its name, the Oriental Esoteric Library, and that the same were always considered and understood to be a vitally necessary part of the Oriental Esoteric Center and the work it was seeking to carry on, until Dr. Stokes, in the summer of 1912, without warning, suddenly declared it to be a fact that this Library and its name, which had grown up under the prestige and fostering care of the Center, was no longer a part of this work and was his own individual property and possession, to do with as he pleased.

Affiant further states that on a great many occasions she has heard Miss Marsland and others interested officially in the conduct and management of the work say, in reference to the library work, "Oh, you look after your branch of the work," or "Your side of the work will necessitate doing" such and such things, to which Dr. Stokes would reply, saying in a most resentful tone, "I don't

like to hear you say my side of the work or your side of the work: the work is all one."

This affiant further states that a great many times during her association with said H. N. Stokes in the Library work, and even within the last few months, said Stokes has asserted his devotion to the Center and Society and his interest in their work, stating very emphatically that he was doing his work for no other purpose than to aid the Center or Society as the case might be, expressing his said interest and devotion frequently in the words, "What am I doing this work for, if not for the Center" (or Society, as the case might be), or "What am I working for, if not for the Center" (or Society, as the case might be), or "I am just as interested in the Society as can be: what am I working for if it is not for the Society?"

This affiant states that she was present throughout the meeting at which the foundation members of the unincorporated Center transferred the assets of said Center to the Oriental Esoteric Center of the United States of America (incorporated), that she does not recall that any estimate was made of the value of the said assets as being four hundred dollars or any other sum; that to the best of her knowledge and belief no such estimate was made or mentioned and that, inasmuch as it was not intended to separate and scatter said assets but to transfer them to the incorporated Center, no such estimate was necessary. This affiant, moreover, states that from her knowledge of the financial affairs of both the unincorporated and the incorporated Centers, she having been Treasurer of the former since its reorganization in 1908, and Treasurer of the latter since its incorporation in 1910, she knows that the tangible assets of said unincorporated Center at the time of said transfer, aside from the Library, were not of a salable value to exceed fifty dollars, and that the original cost of said assets exclusive of the Library was not more than one hundred and twenty-five dollars. This affiant states that the property of the Center aside from its said assets just referred to was its Library, and that any estimate exceeding

In the Supreme Court of the District of Columbia.
 Oriental Esoteric Center of the
 United States of America
 a Corporation et al
 Henry N. Stokes vs
 Henry N. Stokes
 Oriental Esoteric Center of the
 United States of America
 UNITED STATES OF AMERICA
 DISTRICT OF COLUMBIA

Plffs
 Dft
 Cross-Plff
 Cross-Defts
 ss.

Exhibit 6
 Ex. No. 31317

NOV 19 1912

Lincoln R. Clark, of lawful age, being first duly sworn
 on his oath deposes and says:

That on April 5, 1909, when this affiant first took up his residence in the City of Washington, he called at the Headquarters of the Oriental Esoteric Center at 1443 Q Street, Northwest, in said city, and there purchased from the Library then in charge of Dr. H. N. Stokes as Librarian and publicly known and advertised as the Library of the Oriental Esoteric Center (of which fact this affiant first became cognizant by perusing the Bulletin or Leaflet of the Center) a book entitled "Esoteric Christianity" written by Annie Besant and published by John Lane Company, New York, on the inside of the front cover of which said book there was then and now is pasted a label or "sticker" containing the following language, to wit,

"Sold by Oriental Esoteric Center
 1443 Q Street, N. W.
 Washington, D. C. "

That the occasion on which this affiant purchased said book was the occasion of his first visit to the Headquarters of the Oriental Esoteric Center; that upon arriving there he inquired of the attendants in charge if that were the Oriental Esoteric Center, to which they replied that it was; whereupon affiant further inquired if the Center had esoteric books for sale, and particularly the book aforesaid, to which said attendants, or one of them, replied in the affirmative; and thereupon this affiant purchased said book from the "Center" as aforesaid.

That this affiant from that time on became and was a frequent attendant at the lectures of the Center given at 1443 Q Street, and a borrower and purchaser of its books, and that books purchased by him at said Library from time to time since said initial purchase have like-

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the sum of one hundred and twenty-five dollars at most must necessarily have included the Library.

This affiant states that the Library was the Center's principal material asset as a means for conducting its propaganda, and it was from this source in the main that the said Center's work was being builded up and increased, and affiant further states that at the time she executed with Dr. Stokes and the other Foundation Members the transfer of "our entire shares in all the property of the said ^{Center} ~~Central~~ Head Center", she firmly believed that she was transferring her share in the said library as well as in all the other property at that time belonging to said unincorporated Center to said incorporated Center.

May E. Brown

Subscribed and sworn to before me this 16th day of November, 1912.

A. S. Hess
Notary Public, D. C.

wise contained, sometimes the label or sticker as aforesaid stating that the book was "Sold by the Oriental Esoteric Center" and sometimes a label or sticker stating that the book was sold by the "Oriental Esoteric Library."

This affiant further states that as recently as September 27, 1912, after the said Dr. H. N. Stokes had taken away the said Library which has always been regarded as the Library of the Oriental Esoteric Center and removed the same to 1207 Q Street, N. W., books have been issued from said Library bearing said label "Sold by the Oriental Esoteric Center," for on that date, towit, September 27, 1912, this affiant, through his messenger and agent, borrowed from said Library at said 1207 Q Street, N. W., the book entitled "The Crucifixion by an Eye-Witness" published by Indo-American Book Co., Chicago, which said book then contained, and does now contain, pasted on its inside front cover the label or sticker as follows:

"Sold by Oriental Esoteric Center
1443 Q Street N. W.
Washington, D. C. "

together with another label giving terms of rent or sale and the red ink stamp reading "NEW ADDRESS 1207 Q Street, N.W.," whereupon this affiant purchased and paid for said book, through his messenger and agent as aforesaid, pursuant to the terms of the offer of sale accompanying the same and pursuant to said H. N. Stokes' statement made a few days previously to this affiant that he (said Stokes) would sell to him (affiant) "or anybody else."

This affiant further states that on June 8, 1909, he became an Active Member of the Oriental Esoteric Center and that he has ever since been active in its affairs, first as such Active Member and later also in various official capacities, towit as member of the Council and Acting General Secretary of the unincorporated Center in 1910, and afterward as a member, director and Vice-President of the incorporated Center; that

about the time affiant became a member of the Center and between the dates of June 1, 1909, and July 16, 1909, the said Dr. H. N. Stokes, as the Center's Librarian, took this affiant through the library quarters at 1443 Q Street, N. W., Washington, D. C., and pointed out and discussed its various features, referring to the library as the property and work and activity of the Center, in such a way as to lead this affiant to believe that the work of the Center and that of the Library were one, as indeed this affiant subsequently learned they in truth were and are; that in his conversation on this occasion the said H. N. Stokes frequently used the expression, "we" have this or that, or "we" do this or that, or "we" have this or that method, referring to the Center as regarded the Library branch of its work, as, for example, in calling attention of this affiant to the fact that the Center then loaned books without requiring any security, reference or deposit, and that in doing so its losses of books were only ^{small} a fraction of one per cent, including losses in the mails in transit.

Affiant further states that at the time of said conversation with said H. N. Stokes, at the time of affiant's first visit to the Headquarters of the Center on April 5, 1909, and thenceforward and now, this affiant understood and understands that said Library then was and is now the Center's Library and an integral part of the Center's activity and work; and this affiant from his knowledge of and association with the affairs of said Center states that such was likewise so generally advertised and was so understood by the public.

Lincoln R. Clark

Subscribed and sworn to before me this 16th day of November, 1912.

A. S. Hess
Notary Public, District of
Columbia.

Req. no. 31317

NOV 19 1912

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In the Supreme Court of the District of Columbia.
Oriental Esoteric Center of the
United States of America
a Corporation, et al

Henry N. Stokes

Henry N. Stokes

Oriental Esoteric Center of the
United States of America
UNITED STATES OF AMERICA

DISTRICT OF COLUMBIA

Plffs

Def

Cross-Plff

Cross-Defts

ss.

Exhibit 6

Ex. No. 31317

FILED

NOV 19 1912

Lincoln R. Clark, of lawful age, being first duly sworn,
on his oath deposes and says:

That on April 5, 1909, when this affiant first took up his residence in the City of Washington, he called at the Headquarters of the Oriental Esoteric Center at 1443 Q Street, Northwest, in said city, and there purchased from the Library then in charge of Dr. H. N. Stokes as Librarian and publicly known and advertised as the Library of the Oriental Esoteric Center (of which fact this affiant first became cognizant by perusing the Bulletin or Leaflet of the Center) a book entitled "Esoteric Christianity" written by Annie Besant and published by John Lane Company, New York, on the inside of the front cover of which said book there was then and now is pasted a label or "sticker" containing the following language, to wit,

"Sold by Oriental Esoteric Center
1443 Q Street, N. W.
Washington, D. C. "

That the occasion on which this affiant purchased said book was the occasion of his first visit to the Headquarters of the Oriental Esoteric Center; that upon arriving there he inquired of the attendants in charge if that were the Oriental Esoteric Center, to which they replied that it was; whereupon affiant further inquired if the Center had esoteric books for sale, and particularly the book aforesaid, to which said attendants, or one of them, replied in the affirmative; and thereupon this affiant purchased said book from the "Center" as aforesaid.

That this affiant from that time on became and was a frequent attendant at the lectures of the Center given at 1443 Q Street, and a borrower and purchaser of its books, and that books purchased by him at said Library from time to time since said initial purchase have like-

wise contained, sometimes the label or sticker as aforesaid stating that the book was "Sold by the Oriental Esoteric Center" and sometimes a label or sticker stating that the book was sold by the "Oriental Esoteric Library."

This affiant further states that as recently as September 27, 1912, after the said Dr. H. N. Stokes had taken away the said Library which has always been regarded as the Library of the Oriental Esoteric Center and removed the same to 1207 Q Street, N. W., books have been issued from said Library bearing said label "Sold by the Oriental Esoteric Center," for on that date, towit, September 27, 1912, this affiant, through his messenger and agent, borrowed from said Library at said 1207 Q Street, N. W., the book entitled "The Crucifixion by an Eye-Witness" published by Indo-American Book Co., Chicago, which said book then contained, and does now contain, pasted on its inside front cover the label or sticker as follows:

"Sold by Oriental Esoteric Center
1443 Q Street N. W.
Washington, D. C. "

together with another label giving terms of rent or sale and the red ink stamp reading "NEW ADDRESS 1207 Q Street, N.W.," whereupon this affiant purchased and paid for said book, through his messenger and agent as aforesaid, pursuant to the terms of the offer of sale accompanying the same and pursuant to said H. N. Stokes' statement made a few days previously to this affiant that he (said Stokes) would sell to him (affiant) "or anybody else."

This affiant further states that on June 8, 1909, he became an Active Member of the Oriental Esoteric Center and that he has ever since been active in its affairs, first as such Active Member and later also in various official capacities, towit as member of the Council and Acting General Secretary of the unincorporated Center in 1910, and afterward as a member, director and Vice-President of the incorporated Center; that

about the time affiant became a member of the Center and between the dates of June 1, 1909, and July 16, 1909, the said Dr. H. N. Stokes, as the Center's Librarian, took this affiant through the library quarters at 1443 Q Street, N. W., Washington, D. C., and pointed out and discussed its various features, referring to the library as the property and work and activity of the Center, in such a way as to lead this affiant to believe that the work of the Center and that of the Library were one, as indeed this affiant subsequently learned they in truth were and are; that in his conversation on this occasion the said H. N. Stokes frequently used the expression, "we" have this or that, or "we" do this or that, or "we" have this or that method, referring to the Center as regarded the Library branch of its work, as, for example, in calling attention of this affiant to the fact that the Center then loaned books without requiring any security, reference or deposit, and that in doing so its losses of books were only ^{small} a fraction of one per cent, including losses in the mails in transit.

Affiant further states that at the time of said conversation with said H. N. Stokes, at the time of affiant's first visit to the Headquarters of the Center on April 5, 1909, and thenceforward and now, this affiant understood and understands that said Library then was and is now the Center's Library and an integral part of the Center's activity and work; and this affiant from his knowledge of and association with the affairs of said Center states that such was likewise so generally advertised and was so understood by the public.

Lincoln R. Clark

Subscribed and sworn to before me this 16th day of November, 1912.

A. S. Jess
Notary Public, District of
Columbia.

DIRECTING



COUNCIL

1	PRESIDENT -----	Miss A. E. Marsland	500
2	VICE-PRESIDENT -----	Mr James W. Maguire	501
3	GENERAL DELEGATE -----	Mrs G. A. Lyon	502
4	DELEGATE -----	Mr H Harrison Maok	503
5	GENERAL SECRETARY -----	Miss Fannie C. Willis	499
6	SECRETARY -----	Miss Edith C. Gray	504
7	DEPUTY AND LIBRARIAN -----	Dr. H N. Stokes	505
8	TREASURER -----	Mrs May E. Brown	506
9	1ST COUNCILLOR -----	Mrs S. F. Fitzgerald	498
10	2ND COUNCILLOR -----	Mrs E. F. Powers	497



Quartier Général 122. Avenue Victor Hugo,

Paris, le 1^{er} Avril 1908.

To the Illust.: and Resp.:
Sister, President of the
Oriental E.: Center of the
U. S. A. : Washington :

INSPECTION GÉNÉRALE
DU
SUPRÊME CONSEIL
DE
L'ORDRE D'INITIATION ORIENTALE
pour

L'OCCIDENT

OFFICIELLE

N^o 802

This General
Inspection, after having attentively
meditated on the proposition you
make to Us, for different Brothers
as Members of the 1st Esoteric
degree of the Centre under your
worthy Presidency, =

has Decreted and

Decrets :

That the Respectable
Brothers : James M^e Guire,
Lyon, Harrison, Mack,
Gray, D^r Stokes, Brown,

EMBLEM OF

(GENERAL INSPECTION OF S. E. C.)

(SYMBOL)

(T H I B E T)

FILED

NOV 19 1912

H. R. Young
Librarian

General Regulations

OF ROOMS FOR STUDY: SESSIONS: THE LIBRARY:
AND THE ROOMS FOR TRAVELLING BROTHERS.

Art. 70. Each Center is obliged to have a room purely esoteric into which no profane person can enter; and which shall be rigorously closed by the General Delegate after every Session. He must keep the keys himself, only giving them to such brothers as he shall think worthy of entering for a few moments' meditation.

Art. 71. Besides this room which serves as a Temple there must be a room for a Library and reading room; another for the President and General Delegates; an office for the Secretary General; an esoteric room into which the outer world can enter; a study for meditation; and at least three rooms for travelling brothers.

Art. 72. All the members are obliged to donate books, works and reviews to be left in the Reading Room and Library in the care of the Brother Librarian who will be nominated to this office.

Art. 73. The Brother Librarian is alone responsible for the order of the Library; and he may not lend the books to the brothers unless they have signed the bulletin promising to return them in good condition.



Quartier Général

Paris, le _____ 190

INSPECTION GÉNÉRALE

DU

SUPRÊME CONSEIL

DE

L'ORDRE D'INITIATION ORIENTALE

pour

L'OCCIDENT



OFFICIELLE

N^o 802

*Fitzgerald and Towers,
be recognised as such -
and in consequence, you
can present them their
diplomas.*

*Peace and Union
be with you all.*

*The General Inspection
of the S. C. of the Order.*

*John Ramaz
af.*

Cross Defendants to libel 7/2

EMBLEM OF

(GENERAL INSPECTION OF S. E. C.)

(SYMBOL)

* T H I B E T *

General Regulations

FILED
NOV 19 1912
Young

Art.12. The Foundation Members alone have the right of the administration of the Center; and must present themselves at such meetings as the Directing Council shall think necessary.

Art.13. All the Foundation Members are required to make a voluntary offering, according to the possibility of each one, to initiate the work of the Center; and to them alone belong, in case of the dissolution of the Society, the benefices arising from the sale of the property of the Center; which will be divided equitably by the Delegate of the Center among all the Founders.

Cross defendants Exhibit 8

Official Decree rec. July 30th, 1910.

We General Inspector of the Oriental Esoteric Order of Initiation in virtue of the Powers conferred upon Us, after having carefully reflected and meditated, and received the necessary information, in view of that which has happened in the Oriental Esoteric Center, and of the disobedience to the orders of this Inspection: *NEV 19 1912*

Whereas the principal officers of the said Center (with the exception of certain ones,) would not remain faithful to the Order and to the Holy Cause by accepting the Decrees sent by this Inspection, even censuring them, --

Whereas they have constituted without informing Us an Oriental Esoteric Society, which profanes the Order, and being Independent, has caused and is causing very grave prejudice, not only to the dignity of this Inspection, but also to the Holy Cause.--

Whereas there has been a mean, material interest, a plot to destroy our work, by a certain interested party, who, while declaring himself protector of the Holy Cause has worked for his own ends; and whereas the so-called Oriental Esoteric Society still continues to issue its Bulletin, under the name Bulletin of the Oriental Esoteric Center, as seen in the last number, July 15th, paying no heed to our injunctions, --

WE HAVE DECREED:

1. Every member of the so-called Oriental Esoteric Society, who has formerly been a member of our Center will be immediately eliminated from the Center and the Order if he persists in remaining in the Independent Society, whose author and instigator we know to be Brother Stokes.

* * * *

We Inspector General, have eliminated and we eliminate from membership in the Center and in the Order, Mr. Stokes, and hold him responsible for having usurped the Bulletin and the escutcheon for his own private ends and to further those of a so-called Oriental Society.

Cross defendants exhibit 9

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

ORIENTAL ESOTERIC CENTER of the
UNITED STATES OF AMERICA,
A Corporation,
ORIENTAL ESOTERIC SOCIETY of the
UNITED STATES OF AMERICA,
A Corporation,
ORIENTAL ESOTERIC LIBRARY of the
UNITED STATES OF AMERICA,
A Corporation, and the
ORIENTAL ESOTERIC LIBRARY,
A Corporation,
Plaintiffs,

-VS-

HENRY N. STOKES,
Defendant.

Henry N. Stokes,
Oriental Esoteric Center of the US
a Corporation et al
CITY OF WASHINGTON,)
STATE OF OKLAHOMA,)
Cross-Plaintiff
Cross-Defendants
to wit:

FILED
NOV 19 1912

EQUITY NO. 31314

Martha H. Curtis, on oath deposes and says that on or about the middle of June, 1912, after an absence from Washington of some two and a half years, she called at the headquarters of the "Oriental Esoteric Center" at 1443 G Street, N. W. expecting that either that, or the "Oriental Esoteric Society, which likewise had its headquarters at the same address, would be in session; that upon ringing the bell, Dr. Stokes answered the same, and said that the meetings had all been discontinued; that the Society was about broken up, and that the members composing it were scattered here and there; that many of them had already joined or were going over to other organizations, and only a few of the former members still held together; that the meetings they took part in were held exclusively by them, and for no one else, and that other members were not allowed to attend; that affiant asked to see Mrs. Brown, and Dr. Stokes thereupon replied that that would be impossible; they (meaning either the Center or the Society) were probably having a meeting, and that it was fortunate for affiant that she could not see Mrs. Brown, and he, said Dr. Stokes, further advised affiant to have nothing further to do with the Society, saying "it's a bad business"; that affiant thereupon asked Dr. Stokes to explain just what he meant by this, but she said Dr. Stokes re-

THE ORIENTAL ESOTERIC LIBRARY
1207 Q St., N.W.
Washington, D.C.
Oct. 24, 1912.

Miss Elise P. Smith

New York City-N.Y.

Dear Madam:-

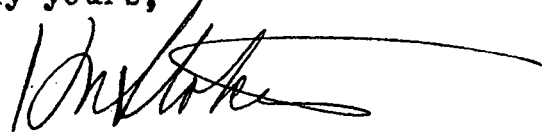
Your attention is called to the four lectures by
Mr. L. W. Rogers, at the Theosophical Lodge Room, 2228 Broad-
way, N.Y. as stated on the enclosed program, on Sunday even-
ings at 8.15 o'clock.

Admission free.

Mr. Rogers is one of the most convincing and logical
lecturers I have ever listened to. He does not indulge in
sentiment, but appeals directly to common sense. If you have
read his little book, "Hints to Young Students of Occultism",
you will know his style.

If you can possibly spare the time I advise you to
go, and take your friends. You will find it a treat, even
if you do not wholly accept his views.

Very truly yours,


Librarian, O. E. L.

HNS/MHC.

6.

fused to answer directly, and simply repeated that "It (meaning the Society) is a bad business"; that later, said Dr. Stokes, advised said affiant that he was himself about to again enroll himself with the Theosophical Society, and in the future work with that Society as he had in the past.

Martha H. Curtis.

Subscribed and sworn to before me this 5 day of

Oct., 1912.

COMMISSION EXPIRES
JANUARY 14th, 1914

Chas. H. Lawrence
Notary Public

THE AMERICAN SECTION OF THE THEOSOPHICAL SOCIETY

OFFICE OF THE GEN-
ERAL SECRETARY



KROTONA, HOLLYWOOD,
LOS ANGELES, CALIF. U.S.A.

August 27, 1912.

Mr. N. H. Wilson,
54 Sanford Avenue,
Irvington, N. J.

Dear Sir:-

The Oriental Esoteric Library collaborates with the American Section of the Theosophical Society, but as yet no mutual privileges have been arranged. But if you will write to the Librarian, Mr. H. C. Stokes, 1443 "Q" Street, Washington, D. C., he will be glad to define the position of the Library.

Faithfully yours,

FK/B

Fritz Kung

✓
EQUITY NO. 31, 317.

THE ORIENTAL ESOTERIC CENTER OF THE
UNITED STATES OF AMERICA,

A Corporation, et al,
Plaintiffs,

-vs-

H. N. STOKES,

Defendant.

H. N. STOKES,

Cross-plaintiff,

-vs-

THE ORIENTAL ESOTERIC CENTER OF THE
UNITED STATES OF AMERICA,

A Corporation, et al,
Cross-Defendants.

CROSS ANSWER of the
Corporate cross-defendants,
and Exhibits.

FILED

NOV 19 1912

W. H. Mather
E. C. Brokmeyer

Leonard J. Mather,
Eugene C. Brokmeyer,
Attorneys for cross-defendants.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

ORIENTAL ESOTERIC CENTER of the
UNITED STATES OF AMERICA,
A Corporation, et al
Plaintiffs,

vs.

HENRY N. STOKES,
Defendant.

HENRY N. STOKES,
Cross-Plaintiff,

vs.

ORIENTAL ESOTERIC CENTER of the
UNITED STATES OF AMERICA,
A Corporation, et al.,
Cross-Defendants.

NOV 19 1912
EQUITY NO. 31,317.

A N S W E R

The joint and several answers of the Cross-defendants, the Oriental Esoteric Center of the United States of America, a corporation, the Oriental Esoteric Society of the United States of America, a corporation, the Oriental Esoteric Library of the United States of America, a corporation, and the Oriental Esoteric Library, a corporation, by and through their lawfully authorized officer and President, and saving and reserving to themselves and each of them all rights by way of demurrer or otherwise soever resulting to them and each of them by reason of the improper joinder of parties and the many other imperfections, uncertainties and defects in said cross-bill exhibited against them, for answer thereto, or to so much thereof as said corporate cross-defendants are advised it is material and necessary for them to answer, say:

1. Answering paragraph 1, these cross-defendants deny that the said cross-plaintiff began a circulating library at 1443 Q Street, Northwest, about the month of May, 1905, or at any other time, save as he was

put in charge of the Center's Library as its Librarian when the Center's Library was started in the Fall of 1905, ^{and afterwards continued as such} and furthermore aver the true fact to be that in May of 1905, the cross-plaintiff was rooming and boarding at the house of the cross-defendant, Agnes E. Marsland, at 1443 Q Street, Northwest, which house was then under lease by the said Agnes E. Marsland, and that although the said cross-plaintiff had a fine library of books on chemistry and of scientific and classical books, these were all kept on the top floor of said 1443 Q Street, and separate and distinct from the Center's Library, which was started in the Fall of 1905 in Miss Marsland's parlor on the ground floor of said 1443 Q Street, and that said cross-plaintiff himself brought into said parlor about fifty books, more or less, on esoteric subjects in the Fall of 1905, which he openly deposited in said parlor as his contribution towards the establishment of said Center's Library, along with about forty books, more or less, belonging to the said cross-defendant Agnes E. Marsland, deposited by her at the same time and for the same purpose in said parlor as her contribution to the establishment of said Center's Library. That it was not until the Fall of 1905 after the Center's Library was started and after Library Rules had been written and adopted, and after the cross-plaintiff had been placed in charge of the said Library as its Librarian, that any attempt to circulate said Library was made.

Further answering Paragraph 1, these cross-defendants say that the said cross-plaintiff continued to conduct the said Library from the parlor of said 1443 Q Street up until the latter part of September, 1912, not as his Library, but as the Library of the Center at first, and afterwards as the Library of the Center affiliated with the Society, as conclusively appears from the Exhibits to the Original Bill in this cause which are made a part of this Answer as though at large appearing herein, which said Exhibits were fashioned by the said cross-plaintiff before he had made up his mind to claim this Library and its name as his own.

2. Answering Paragraph 2 of said Cross-Bill these cross-defendants admit that at the time said Library was begun Miss Marsland was the representative in the United States of the unincorporated Oriental Esoteric Center, which was of the Order of the Initiates of Thibet, and further, that she was instructing students at the time--of which said cross-plaintiff was one--in the tenets and belief of her religious faith.

Answering Paragraph 3 of said Cross-Bill, these cross-defendants say they know nothing about said cross-plaintiff's desires, save as he expressed them, and that as he expressed them, he engendered a belief in the minds of all as to their truth; that it is true that said cross-plaintiff openly professed zeal and enthusiasm in the work, and freely gave then as afterwards to the work and the carrying of it on and furthermore gave his initial contribution of esoteric books, as aforesaid, to the Library of the Oriental Esoteric Center without reservation, and so published it to the world up until the latter part of September of 1912, as is better shown by the Exhibits in this cause which are made a part of this Answer as though at large set out herein.

Cross-defendants deny that the Oriental Esoteric Center was not in operation or active existence at this time and aver the truth to the contrary of that statement, though whether the said Center was in active operation or not could make no difference to said cross-plaintiff, for he allowed the ownership of the Library then, as afterwards, to go out to the world at large as an integral part of the Oriental Esoteric Center and a necessary adjunct to the carrying forward of its faith and teachings.

Further answering Paragraph 3, these cross-defendants say that in the Fall of 1907 said Cross-plaintiff as Librarian of the Oriental Esoteric Center, after consultation with Miss Marsland and after obtaining her permission as titular head of the unincorporated Center, commenced to circulate books by mail and advertise the Library in question to the general public and the world at large, as the Library of the Oriental Esoteric Center, as is better shown by Exhibits *l. f. H. J. K. L. M. N. O. S. T. U. V. W. Y. Z* and *J'*

to the Original bill in this cause, which were all made by the cross-plaintiff himself in conjunction with his official superior, Miss Marsland, and which are prayed to be considered as a part of this answer as though at large appearing herein. That instead of establishing and re-opening the Center in 1908 as in said Paragraph 3 is alleged, the truth is said Center had been open all the time, although it was in fact re-organized in 1908.

Further, in answer to said Paragraph 3, cross-defendants deny that the cross-plaintiff in 1908 or at any other time affiliated his Library with the Center and aver the truth to be that the Center never had anything to do with the cross-plaintiff's own private library or the slightest connection therewith, but the same was always held separate and distinct from the Library of the Oriental Esoteric Center, which, kept in a different part of 1443 Q Street, was always spoken of, referred to and understood to be the Library of the Center and the cross-plaintiff himself so advertised the fact to those interested in the work, as more fully appears from the Exhibits to the Original Bill in this cause, which are made a part hereof as though set out at large herein; but these cross-defendants aver that the cross-plaintiff has from time to time, since 1910 especially, added to and commingled with the Center's Library certain books of a secular and business character which it does not claim, as is more particularly set forth in the Original Bill herein.

Said cross-defendants admit that after the Society was incorporated in the Spring of 1910, the Library of the Oriental Esoteric Center was affiliated with the incorporated Society for greater convenience and better to enable the carrying forward of the business or exoteric work connected with the Center, as more particularly appears from the Original Bill and Exhibits in this cause, which are made a part of this Answer as though at large set out herein.

4. Answering the 4th Paragraph of said Cross-Bill, these cross-defendants deny absolutely and unequivocally that from the beginning of the

Library in 1905, and from thence on, the said cross-plaintiff provided their quarters or the quarters of any one or more of them, paid all expenses of every kind in connection therewith, and received no contributions of any kind whatever, either from said Center, or from said Society toward the support, maintenance or circulation of said Library; and likewise they deny that he held control and used the same as his sole and exclusive property; but on the contrary said cross-defendants assert, and for proof in support of their said assertion, show by the words of the cross-plaintiff himself as published openly in Bulletins, advertisements and other articles prepared by him at a time before he reversed himself and at a time when he represented himself to the public and the world at large as Librarian of the Center (see Exhibits E. F. H. J. K. L. M. N. O. S. T. U. V. W. Y. Z. and I' to Original Bill hereby prayed to be considered as a part of this Cross-Answer) that the cross-plaintiff solicited and obtained from members and the public generally large contributions, dues and moneys for the loan and sale of books from this Library, upon the strength of his said representation that he was Librarian for the Center, as in fact and truth he was. These cross-defendants further aver that on the strength of such representation as aforesaid and under cover of the great semi-religious work which the said cross-defendants were carrying on, and in the name, strength and prestige following upon the broad philanthropic purpose of the work, said cross-plaintiff received large sums of money which were advanced and contributed by people all over the world, which all went into increasing the cross-defendants' Library and in its upbuilding to its present proportions.

It is true that the cross-plaintiff provided the quarters for the Library, but only since the latter part of 1908, and by offering to the Center, freely and voluntarily and without reservation, the use of the premises at 1443 Q Street, Northwest, which he leased from October 1st, 1908, and not from 1905 as in the said Cross-Bill alleged, retaining only one room for his own use as a bed-room, just as he had originally given his

quantum of books, or later had given his time, labor, energy and ability in professed aid of the cause. Said offer as aforesaid is recorded in the official minutes of the Center of its meeting held October 8, 1908, made at the time, in the following language: "One of the Brothers [the cross-plaintiff] has offered to the Center the headquarters 1443 Q Street, N. W., with weekly allowance to run the house, reserving only one room for his bed-room," and his said offer of the headquarters was accepted as made, and these cross-defendants aver that the said Library work of the Center thereupon continued to be carried on at said address pursuant to such offer, as had been done prior to the time the cross-plaintiff leased said premises, and they aver that the said work was not conducted in the cross-plaintiff's bed-room.

5. In answering Paragraph 5, said cross-defendants say that all the references and all the advertisements, save perhaps one or two, show that the Library was indeed the Library of the Oriental Esoteric Center, and that the one or two references to the Library as one of occultism were descriptive merely, for the purpose of catching the attention of readers and designed by the cross-plaintiff to startle into inquiry those who might see the same.

Said cross-defendants, further answering said Paragraph 5, say that the official name of the Library was never changed from that of the unincorporated body and later of the incorporated body, to wit, the Center, to which it belonged and of which it was an integral part, but on the contrary aver that the various names, Oriental Esoteric Library, Library of the Oriental Esoteric Center, Library of the O. E. C., O. E. C. Library, Oriental Esoteric Center Library, etc., etc., were common designations of the same body of books, to wit, the Library belonging to said Center. Furthermore, these cross-defendants aver that the names Oriental Esoteric Center, Oriental Esoteric Society and the various names of the Library as aforesaid have been and are now commonly used and applied to designate the one work, in its various branches, which has been for years, to wit, from 1902 to 1912, carried on by the cross-defendants and

their predecessors in Washington, and since 1905 at 1443 Q Street, N.W.

It is quite true that after the incorporation of the Society the Library was affiliated with the Society not as belonging to it, but as used in connection with it for the more effectual carrying on of the work. As for the claim of said cross-plaintiff that the Bulletin was published and circulated at his personal expense, said cross-defendants, not admitting the materiality of said allegation, say that the cross-plaintiff not only received five dollars a week from the funds of the Center and the Society toward this purpose from about October, 1908, up to the Spring of 1912, when for the first time said cross-plaintiff commenced to show an intention of keeping said cross-defendants' Library and its name, but also that he has in addition personally received all the subscriptions of the Bulletins from the beginning of paid subscriptions about 1908 up until the summer of 1911. Before May of 1908 Miss Marsland paid one-half the total expense of issuing said Bulletin, the cross-plaintiff paying the other half, and before said cross-plaintiff was connected with the work Miss Marsland paid the total cost of ^{to} then production. As to what the cross-plaintiff contributed, however, towards the issuance of the Bulletin, these answering defendants say that he gave the same freely and voluntarily, just as he gave freely and voluntarily towards the Library and other branches of the work when they needed help, and when said cross-plaintiff appeared to be such a zealous worker on behalf of the cause; as, for instance, when he gave the use of his house--then 1443 Q Street, Northwest,--to the work, reserving only for himself one bed-room. If he had thought at the time that the Library was his own property and private business and not the Library of the Center, he would necessarily have reserved to himself and for his own use so much of the house as was needed for the work of the Library, and not one bed-room only.

As for the Library being always advertised as being affiliated with the Oriental Esoteric Society, these cross-defendants say the

Society came into being long after the formation and establishment of the Center's Library. The Library was started as a part of the Center's work in the Fall of 1905, while the Society was not incorporated until 1910. As for the Library's name, it was never changed, although shortened somewhat in general usage. True it is, however, that the Center's Library was separate and distinct from the Society--save as the Center and Society, though of separate corporate entity, are but one in aim and purpose--and the Library, starting as an adjunct of the Center, has always remained an integral part of the Center and its work, though affiliated with the Society for the better conduct of its business.

6. These cross-defendants, answering Paragraph 6 of said Cross-Bill, say that it is naively put to say that the cross-plaintiff "through said Library contributed largely to the increase and growth of said Center from 1908 to 1910, to the formation of the Original Center, and also to the increase and growth of the membership and income of said Society from 1910 up until the Summer of 1912." It is true that the Library was a valuable instrument for increasing the membership of the Center and Society; this was one of said Library's most important purposes and functions; but these cross-defendants aver that the cross-plaintiff did not contribute "to the formation of the original Center," which was in 1902 and before he became connected with the work, and they further aver that whatever he did in aid of the Center and Society and their work and membership through said Library was done officially by him as Librarian of the Center's Library, and in so doing he was but performing his duty as such. If it be true, as averred, that the efforts of the cross-plaintiff aided in the increase and growth of the membership of the Center and Society, it is also unquestionably true that the prestige of the Center and Society and their name and great semi-religious and philanthropic purpose and work and the efforts of the other active officers and members interested in carrying forward the work, were instrumental in largely increasing the growth and activity of the Library.

Said cross-defendants further answering Paragraph 6, say that the said cross-plaintiff did not bear the entire expense of publishing the Bulletin, as the Center and Society both contributed thereto, but even if he had, what was done he gave in this connection to the work, just as he gave freely and voluntarily and professedly for the Center in connection with the advancement of its said Library work. The same is likewise true as to the use of his house. He gave it all, save his bed-room that he reserved, gave it openly and officially, as appears by the Exhibit to this point in the Original Bill, which is prayed to be considered as a part of this answer, which he hardly would have done if at that time said cross-plaintiff really believed that the Library in question was his individually and not merely under his care, control and keep as Librarian for the Center, as it was the Library and its work that really took up most of the space in the said house, 1443 Q Street. Furthermore, it has never been denied that the cross-plaintiff gave freely and liberally to the advancement of the work, and his efforts and liberality were duly appreciated up to the time he sought to use the same as a cover for claiming as his own what he had theretofore gathered up in the name of the Center, and apparently for the use of the Center, with money and time freely and openly given to aid in the advancement of the work.

7. Answering Paragraph 7 these cross-defendants say that the cross-plaintiff, in 1909, resigned from his position under the Government of the United States, but they are advised and believe and therefore state the fact to be that he did so, as he himself then said, because of inharmony between himself and his official associates, and because, as he himself then said, "an outsider was put over him." If his real purpose was, as is now indicated by him in his cross-bill, to build up his Library, it was a purpose known to himself alone and unexpressed by any act or word to his fellow-workers in the Center, as these cross-defendants believe and aver. If such was in fact his purpose, it was not fair or just to said fellow-workers who trusted him and whom he thus deceived into the belief that his time and money was

all going into "their work." Nor was it just and fair to the public generally, who were likewise thus deceived, for him to use and trade, for his own ulterior benefit, under the name and guise of furthering the work of this semi-religious organization, of which he was not only a member but an officer and director really in charge and control of this Library branch of the Center's work. Furthermore, although said cross-plaintiff has expended thousands of dollars in the purchase of books, and although he maintains a large number of clerks to carry on the present work of this Library, it is the same Library that has grown up under the fostering influence of cross-defendants' philanthropic work and towards the maintenance and up-keep of which thousands of dollars have come into the hands of the said cross-plaintiff as Librarian of the Oriental Esoteric Center.

8. Answering Paragraph 8 these cross-defendants admit that because of attacks upon their faith by said cross-plaintiff, beginning in the summer of 1914 and continuing, he was ^{refused} permission to write his articles in the Bulletin, and thereupon he started the Critic, which was an exact imitation of the Bulletin in size, type, color of ink used and in general appearance, (as better appears from the Exhibits to the Original Bill, which are prayed to be considered as a part of this Answer) and used ^{it} for the very purpose of carrying on his deception with both said cross-defendants and the public; but, rather than precipitate an open rupture at that time, and hoping and trusting that the said cross-plaintiff might in the future, as he had in the past, work hand in hand for the cause, they, said cross-defendants, forbore further active interference with said cross-plaintiff or in his conduct and management of the Library branch of their work.

9. Answering Paragraph 9, these cross-defendants say that Miss Marsland, as their president and titular head advised the cross-plaintiff that he would not be allowed to continue his attacks upon the work and as he failed to heed the warnings, said cross-defendants, or the Center and the Society, had said cross-plaintiff subsequently deposed

from his office and membership in both the Society and the Center. The looseness of expression in her letter of May 13, 1912, has before been sufficiently explained in cross-defendants' Original Bill, for at the time she had but one idea in mind of dis severing all association with the said cross-plaintiff, as he had proven himself false and untrue to his vows, apparently for his own pecuniary gain.

Further answering said Paragraph 9, these cross-defendants say that the said cross-plaintiff was legally and properly removed from the Center, as is more at large shown by the Minutes of the said Center, attached hereto and made a part of this cross-answer, as though at large set out herein. Said Cross-defendants admit funds were solicited--not for the purpose of taking away cross-plaintiff's Library, however, but for the purpose of getting back their own Library, its name and the goodwill that thereto attached, all of which had been taken forcibly from them--as said cross-plaintiff always has had control over and possession of said Library by virtue of his trust position as Librarian of said Center, and on account of his zeal and endeavor and the money which he seemingly was putting into the Center's work. That so far as said premises 1443 Q Street, N. W., are concerned, it is true ^{that said} as cross-defendants were desirous of getting back into the house, which has so long been their home, center and headquarters, ^{and} it became desirable to have the removal of the cross-plaintiff therefrom after it was found he could no longer work in harmony with the cause. This was particularly necessary for the protection of the work inasmuch as the cross-plaintiff had contrived by subtle means to have the mail of the Center, Society, Library and all branches of the work directed to the one address of 1443 Q Street, with the ulterior purpose, as these cross-defendants, believe and aver, of having the same under his supervision and control.

Further answering said Paragraph 9 said cross-defendants say that Miss Marsland did not cause "possession to said premises to be taken in the name of the Library organizations which she had organized" but did,

as the representative officer of said cross-defendants, take possession of said house in the name of all of said cross-defendants, which included likewise that part of this original name which the cross-plaintiff is seeking to take away from them and use as his own. It is true that the cross-plaintiff had been receiving the mail concerning particularly the Library branch of the Center's work, ever since it was started in the Fall of 1905, and after its affiliation with the Society in 1910, although too, he received other mail belonging to said Center and Society because of his official position as Librarian of the Oriental Esoteric Library or the Library of the Oriental Esoteric Center, and it was because of the fact that the said cross-plaintiff had been left in entire charge of said Center's Library and in control of it, and further because he was for the time the occupant of the premises where the mail was addressed and represented himself to the post office authorities as such and that said Library was his private enterprise, that the post-office authorities declined to change the former direction of delivery of said mail until the question of superior right thereto had been decided by the Court. It was for this reason--to regain that which was theirs, both name, Library and good-will--that these cross-defendants were forced into asserting their prior and paramount right thereto.

10. Answering the 10th Paragraph of said Cross-Bill, these cross-defendants deny the conclusion therein alleged, and assert on the contrary that the record in this case, made up of all the pleadings and exhibits herein, which are prayed to be considered as a part of this cross-answer, show that the Library in question was founded by the unincorporated Center, transferred by the foundation members thereof, (of which said cross-plaintiff was one) to the later incorporated Center, and hold by it ever since as an integral part of its ^{possession} ~~possession~~ and work until said cross-plaintiff wrongfully attempted to wrest the entire Library, its name and good-will away from said Center, to which it properly and lawfully belonged.

11. Answering the 11th paragraph of said Cross-Bill, these cross-defendants say that while it is true that the name Oriental Esoteric Library "had been in use by him (said cross-plaintiff) long before the said corporations, Oriental Esoteric Library of the United States of America or Oriental Esoteric Library, had been incorporated," such use was by said cross-plaintiff not in his individual right or capacity, but as the Librarian and representative of the Center and Society, and that in such official and representative capacity only, and under the auspices of the name and prestige of said cross-defendants' broad philanthropic work, had the fact gone out to the world at large, from whence have arisen the present growth and prosperity of said Library; that furthermore, the name Oriental Esoteric Library is but an abbreviation for general or workable use of the name Oriental Esoteric Center's Library, or the Library of the O. E. C., which was the designation of said Library when first established by the Center in the Fall of 1905, was the name of said Library advertised to the world by said Cross-Plaintiff himself as belonging to the Center and afterwards affiliated with the Society, was the name referred to by said cross-plaintiff when writing to Dr. de Sarak in May of 1910, wherein was said specifically that the Library in question was the Library of the Center, and that it belonged to the Center, and that said cross-plaintiff was only the Librarian in charge thereof, and was the name under which the foundation members of the unincorporated Center (of which said cross-plaintiff was one) transferred to the incorporated Center on August 30th, 1910, all the property then belonging to the said unincorporated Center, which was done at the time under the professional advice of cross-plaintiff's own counsel, then as now.

Answering further Paragraph 11 these cross-defendants say that the said cross-plaintiff has never used exclusively or individually, said name of Oriental Esoteric Library, as his use of said name was allowed by said cross-defendants only because it was understood, and

understood from his own professions and attitude, from what he said and did and not from what he might have secretly had in mind, that he was acting as Librarian of the Center and for the Center and its work, as, had the contrary for a moment appeared, said cross-defendants would not have tolerated or allowed any claim in opposition of their own to be set up adversely to their rights of ownership in and to the Library, its name, and good-will. Furthermore, the said cross-plaintiff knows full well that the unincorporated Center, under the name of the Oriental Esoteric Center or the Oriental Esoteric Head Center, was organized long before said cross-plaintiff had anything to do with the work, and if, as said cross-plaintiff now asserts, said Library and name was his from its start and foundation in 1905, then he was basely deceiving said cross-defendants ^{as well as the public} by openly asserting one thing and secretly believing another, until, with such a fraudulent purpose in view, he could so fashion matters as that later he could both assert and think one way.

12. Answering the 12th Paragraph of said Cross-Bill, these cross-defendants say that the name in question was theirs or belonged to their predecessor or predecessors, the unincorporated Center, long before said cross-plaintiff had any connection with their esoteric work, and instead of cross-defendants or Miss Marsland adopting a name identical to that of the cross-plaintiff, they assert that under cover of his office of Librarian in both Center and Society said cross-plaintiff has attempted to take away from them that name which was theirs by right of years of prior usage, and instead of said cross-defendants attempting unfair competition and unjust and inequitable efforts to deprive said cross-plaintiff of his property and to interfere with his established business, they aver that this is the very thing said cross-plaintiff is himself endeavoring to carry into effect and inflict upon these cross-defendants, for although said cross-plaintiff in the past and up to comparatively recent times, as the Librarian and trusted officer of said cross-defendants, their predecessor or predecessors, has built up this valuable adjunct to said cross-defendants' said work, under and with

the aid of said cross-defendants' name and prestige, and for them as he represented to the world, he now seeks to turn around and claim the same for his own, contrary to equity, good faith and moral or legal right.

And now, having fully answered said Cross-Bill, these cross-defendants pray to be hence dismissed with their reasonable costs on this behalf sustained.

Leonard Miller
Eugene C. Berkmeier

Attys for Oriental Esoteric Center of the United States of America
Cross-defendants
by Agnes E. Marsland, Pres.

Oriental Esoteric Society of the U. S. A.
by Agnes E. Marsland. Pres.

Oriental Esoteric Library of the U. S. A.
by Agnes E. Marsland. Pres.

Oriental Esoteric Library
by Agnes E. Marsland. Pres.

DISTRICT OF COLUMBIA, to wit:

Agnes E. Marsland on oath deposes and says that she is the President and representative officer of the corporations whose names have been subscribed to the foregoing Cross-Answer by them made to the Cross-Bill heretofore exhibited against them by Dr. H. N. Stokes, and that as such President and representative officer she has been directly authorized and empowered on behalf of said corporations, to sign their names to any pleadings growing out of their original suit against the said Dr. H. N. Stokes; that as such President and representative officer she has read the foregoing Answer subscribed by the corporations aforesaid, and knows the contents thereof; that the matters and things therein stated as of knowledge are true; that those set forth on information and belief she believes to be true.

Agnes E. Marsland

Subscribed and sworn to before me this 16th day of
November, 1912.

A. S. Jones
Notary Public, D.C.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Oriental Esoteric Center of the
United States of America, et al,

Complainants;

v.

Henry N. Stokes,

Defendant.

JAN 10 1913
H. Young
clerk
No. 31,317 Equity.

The bill in this case is filed by four corporations, incorporated under the laws of this District; first, the Oriental Esoteric Center of the United States of America, incorporated August 23, 1910; second, the Oriental Esoteric Society of the United States of America, incorporated April 12, 1910; third, the Oriental Esoteric Library of the United States of America, incorporated May 31, 1912; and, fourth, the Oriental Esoteric Library, incorporated August 9, 1912. The said corporations were all formed under Section 599 of the Code, which provides for the formation of corporations "for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement, or for the promotion of the arts".

The particular business and objects of the first named corporation, as stated in the certificate, are "the mutual improvement of its members, the study of the occult sciences, and the formation of branches throughout the world for the diffusion of the knowledge of such sciences".

The second corporation named was for substantially the same objects.

The third corporation named provided, that the particular business and objects of the corporation shall be, "the mutual improvement of its members, by means of a reference, loan, and sale library of philosophic and esoteric works, manuscripts,

and documents, and the diffusion and dissemination of esoteric knowledge throughout the world, as embodied in the teachings and work of the Oriental Esoteric Society, and Oriental Esoteric Center of the United States of America".

The fourth corporation named provided for the same business and objects as the third.

The bill states in substance that the third and fourth corporations named, were organized for the better purpose of preserving to plaintiffs their own departmental library, which had been placed with the defendant by them, or their predecessor, in trust, their predecessor being a voluntary association known as the Oriental Esoteric Center, unincorporated, and which included a library that the defendant had control of for the said voluntary association, and which, with the other effects of said voluntary association, became the property of the said plaintiffs, the Oriental Esoteric Center, and Oriental Esoteric Society.

The said Oriental Esoteric Center, before its incorporation, to wit, in 1905, started a library at 1443 Q St., by the donation of books on esoteric subjects by a number of individuals, and the same was placed in the hands of the defendant as librarian. This library was established as an adjunct to the work of the said Center. That there were dues to be paid for the loan of books, and donations to be received, for the purchase of books, and that there were contributions in books and moneys, all for the benefit of said Center, and all in the hands of the defendant, who is now claiming the said library, and its benefits and prosperity, for his own personal use.

That the said library had a mail order section which enlarged its business, and materially increased the volume of the said Center's revenue. That the defendant now has the manual possession of said library, and adjuncts, and claims the same to be his own exclusive property, and refuses to turn the

same over to the plaintiffs.

The remaining portion of the bill, the whole containing forty-two paragraphs, is mainly devoted to the statement of certain actions on the part of the defendant, which the pleader claims to be evidence of the plaintiffs' contention that the said library is the property of the plaintiffs, and is not the separate property of the defendant.

There is a large mass of printed matter filed with the bill, and marked "plaintiffs' exhibits", and lettered A to Z, and followed by still other exhibits lettered A1 to C1.

The plaintiffs pray for process and answer, expressly waiving the oath thereto, and that the name of the Oriental Esoteric Library be decreed to belong to them, the plaintiffs; and that the library itself, consisting of books, manuscripts, library mailing list, with its book borrowers list, its inquirers list, together with its card list of ledger accounts, belonging to said library, its card list of borrowers from said library, with the names of books borrowed, etc., and also the correspondence files relating to the library business, and the publishers list, all and every one of them pertaining to the library's business, be turned over to plaintiffs by decree of this court.

That the defendant be restrained from the further use of the plaintiffs' name, the Oriental Esoteric Library; that he be restrained from transferring any of the library business of any sort soever, to his own personal files, or for his own personal use, or of transferring the same to any person or persons, corporation or corporations, whatsoever.

That he be restrained from carrying on the aforesaid library business under the name of the Oriental Esoteric Library, or any other name or names. That he be restrained from the further use of the telephone listed in the name of the plaintiff, the Oriental Esoteric Center, and belonging to said Center.

same over to the plaintiffs.

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The plaintiffs pray for process and answer, expressly waiving the oath thereto, and that the name of the Oriental Esoteric Library be decreed to belong to them, the plaintiffs; and that the library itself, consisting of books, manuscripts, library mailing list, with its book borrowers list, its inquirers list, together with its card list of ledger accounts, belonging to said library, its board list of borrowers from said library, with the names of books borrowed, etc., and also the correspondence files relating to the library business, and the publishers list, all and every one of them pertaining to the library's business, be turned over to plaintiffs by decree of this court.

That the defendant be restrained from the further use of the plaintiffs' name, the Oriental Esoteric Library; that he be restrained from transferring any of the library business of any sort soever, to his own personal files, or for his own personal use, or of transferring the same to any person or persons, corporation or corporations, whatsoever.

That he be restrained from carrying on the aforesaid library business under the name of the Oriental Esoteric Library, or any other name or names. That he be restrained from the further use of the telephone listed in the name of the plaintiff, the Oriental Esoteric Center, and belonging to said Center.

That he be decreed to account for the trust funds made up from the loan and sale of books, manuscripts, etc., belonging to the library, since its formation in the fall of 1905, and of which he has since had charge, and over which he has exercised full and entire control, as librarian for the Center, throughout the time he has occupied said position; and that he be decreed to account for any other money that may have come into his possession in trust for the plaintiffs during his incumbency of office, as librarian for the plaintiffs.

That all proper and necessary references may be taken to the Auditor; that receivers be appointed, to take charge of the entire business of the library, and continue its business and management pendente lite. That proper books of account be kept, showing the daily receipts from said library business, and daily disbursements; and for general relief.

The bill is verified by the affidavit of Agnes E. Marsland, who says that she is the president of the four corporations named as plaintiffs.

A rule was issued, requiring the defendant to show cause why he should not be restrained, as prayed, and why receivers should not be appointed to take charge of the business of the said Oriental Esoteric Library, and why he should not turn over to the plaintiffs their library business, and why he should not account to said plaintiffs for the moneys received by him, as their librarian, since the fall of 1905.

In response to that rule, the defendant filed an answer, making the same also an answer to so much of the bill of complaint as he was advised it was necessary for him to answer; and he also filed a separate answer to the bill of complaint.

In these answers, the defendant avers that he is the owner of the library described in the bill, and he denies that the said corporations, the Oriental Esoteric Library of the United States of America, and the Oriental Esoteric Library,

were incorporated for the purpose of preserving to the plaintiffs their own library, and its name and business; and he denies that any library had ever been placed in his hands by any of the plaintiff corporations, or their predecessor; and he denies that he was ever appointed librarian by the said unincorporated Center, as alleged in the bill; and he denies that any trust fund was ever created, on behalf of any of said corporations, or that he appropriated the plaintiffs' name of Oriental Esoteric Library, or anything whatever belonging to said plaintiffs.

He denies that the said Oriental Esoteric Center started any library in 1905; and he avers that at that time, in said premises 1443 Q St., the rent for which was paid by him, he began a library. That a few persons gave or loaned books to him, not exceeding perhaps one dozen in number; that they were given to him individually, for use in the library, by means of which he co-operated with the said Agnes E. Marsland, who was representing the Oriental Esoteric Center.

That the library was called the library of the Oriental Esoteric Center, because he did not wish to advertise it in his name, and because it was believed, both by him and by said Miss Marsland, that by identifying it with the Center, and using the Center's name, he could, without any expense to Miss Marsland, and without any increase of expense to himself, make familiar to the public the name of the Center, which Miss Marsland was then attempting to re-establish, and re-open.

That he advertised the library as being affiliated with the Oriental Esoteric Society, and used the same to assist in every way he could the work of the Oriental Esoteric Center, and the Oriental Esoteric Society, down to 1912. He denies that it was established as an adjunct of the said Center, or that he was appointed librarian by the Center, or that he was at any time in the conduct of said library in any wise subject to the control of the said Center.

He denies that the said original Oriental Esoteric Center, unincorporated, has become merged in or transferred to either of the corporations named as plaintiffs; and he denies that said original unincorporated Center had any interest in or control over said library, or that any attempt was made to transfer the same to any of said incorporated companies.

He claims that it was his sole and absolute property, and refers to exhibits lettered B to I, in proof thereof. These exhibits are affidavits of Edith C. Gray, Ernest N. Brown, E. C. Ewing, Florence Louisa Lyon, Mrs. Mary Elise Bingham, Sara F. Fitzgerald, and Fannie C. Willis, and a letter, signed by the defendant, and addressed "My Dear Sister", dated August 14, 1908, the contents of the said affidavits and letter tending to show that the said library was from the beginning the individual property of the defendant, and not the property of the said corporations, or of the said unincorporated Oriental Esoteric Center.

He avers further, that he rented the premises 1443 Q St., and allowed it to be headquarters for the said Center, up to 1910, and for the said Society from 1910 to 1912, all at his own expense.

He admits that he caused the telephone to be installed in said house, and the name of Miss Marsland, and the Center and Society to be listed thereunder.

That in all these matters his acts were voluntary. That the privileges granted could have been terminated by him at any time; and that while the use of the telephone, house, and library, were of great benefit and advantage to the said Center and Society, he did not surrender his rights in or possession of the same; and it was never understood by the officers of the Center or Society that he did so.

Then follows an explanation of his acts shown in detail by a number of publications referred to in the bill, and recited is that the truth of his contention, that the library

was his, and not that of the plaintiffs, or any of them; and further averring that said Agnes E. Marsland had no authority given her by the said corporation, the Oriental Esoteric Center of the United States of America, to institute this suit.

In addition to the answer to the rule to show cause, and the answer to the bill, the said defendant filed a cross-bill, making the four corporations named, and Agnes E. Marsland, defendants.

In this cross-bill, he recites the facts substantially as stated in his answer, and says that the said Agnes E. Marsland, having taken personal offense at certain articles published in the Oriental Esoteric Library Critic, about the months of April and May, 1912, attempted to cause the plaintiff to be retired from the Board of Trustees of the said Society, and notified him about May 13, 1912, of the termination of the affiliation between the Society and the library, and directed him to remove from his publications and book list the words "affiliated with the Oriental Esoteric Society", which words had been published thereon since the incorporation of the Society in 1910. That he complied with her request, and about May 21, 1912, he was requested to cease using the words "Oriental" and "Esoteric", as part of the name of the library, or on its literature.

That the said Marsland attempted to get control of the mail coming to this defendant, by application to the postmaster, and about June 13, 1912, she demanded that he no longer use the name "Oriental Esoteric Library", which she then claimed as "our library name"; and about June 26, 1912, without notice to him, she undertook to remove him as a trustee of the corporation known as the Oriental Esoteric Center of the United States of America, and made demand on him for an account of the financial status of the library in detail. She procured the purchase of said premises 1443 Q St., in which he had lived since 1905, and in which he had allowed the Oriental Esoteric Center to maintain

its headquarters, from 1908 to 1910, and the Oriental Esoteric Society, from 1910 to 1912, free of charge; and that the purchaser refused to extend or renew the lease to him, which lease expired on September 30, 1912, thus compelling him to remove, and he did remove to 1207 Q St.; whereupon said Miss Marsland again made demand on the postmaster for the mail that had been directed to the library, at 1443 Q St.

He avers that the acts of the defendant, Agnes E. Marsland, were unjust and inequitable; and he prays that an injunction be issued against said corporations, and said Marsland, restraining them from further asserting any claim or interest whatever in said library; and that they be enjoined from using the name "Oriental Esoteric Library", or "Oriental Esoteric Library of the United States of America", and from attempting, by the use of such names, or other similar names, to obtain possession of mail or other property belonging to him; and that they be enjoined from attempting, by the use of such names, to injure or disturb him in his business.

Joint and several answers were filed to this cross-bill by the corporations named in the original bill, which were verified by an affidavit signed by Agnes E. Marsland, and in which she says that she is the president and representative officer of all of said corporations; and a separate answer to the cross-bill was filed by said Agnes E. Marsland, in which she still contends that the library in question was never the library of the said cross-complainant, but was the library of the said Oriental Esoteric Center, and of the said corporations; and in proof of which she refers to a number of exhibits filed with her answer, and marked "cross-defendant's exhibits" 1 to 9, inclusive. These are ex parte affidavits, copies of letters, and extracts from the minutes.

The case as thus made by the mass of pleadings, and the miscellaneous exhibits, has been presented to the court for its consideration on the rule to show cause, counsel stating that

they had endeavored to present in the exhibits all the essential facts necessary to a decision upon the merits.

On this hearing it is competent for the court to consider ex parte affidavits filed with the bill and with the answer, in order to ascertain the probability of final success or defeat of either party.

It is not usual, however, for the court to enter upon the consideration of a case for the purpose of passing a final decree, where there is a conflict of testimony, in the absence of proof, and without the examination and cross-examination of witnesses. The pleadings are entirely irregular in this case, because of the incorporation therein of so many irrelevant written and printed documents, whose proper place in the case, if used at all, would be in the testimony, or in connection with the examination of witnesses.

The relief sought by way of injunction, and receiver, cannot ordinarily be granted by a court of equity where there is a question as to the legal right of the party who asks for relief. The question in this case, is, who is entitled to the library in question, and who is entitled to use the name by which that library is known? Both parties are claiming the right to this library and name, and both parties are supporting their contention by affidavits and documents, the construction of which might tend to substantiate their claims, if properly before the court.

But standing as they do, it is impossible for the court to determine which one is right. The court cannot fairly decide a question of fact of this kind on such a record, or on any ex parte record, but must have the advantage of examination and cross-examination of the witnesses.

The court of Appeals of this District, in the case of Original La Tosca Social Club v. La Tosca Social Club, 23 Appeals D. C., 96, speaking by Chief Justice Alvey, said:-

"The principle upon which the courts proceed in restraining the simulation of trade or business names, where the name assumed is of a fanciful or arbitrary character, is not that there is property acquired in the word or name employed, but it is to prevent fraud and deception in the dealing with the party charged with the simulation or infringement of the name used by another in a similar business."

And again, in said case, the Chief Justice said:-

"It is only in plain cases of wrong and mischief that the court will be disposed to apply the strong remedy by injunction to restrain the use of a name. The business operations of a party or corporation, should not be restrained upon mere speculative or possible injury because of the use of a particular name claimed by another. The injury must be shown to be real, and such as a court of equity, upon principles of justice, will interpose to prevent."

The question as to the right to use a name in a trade or business, usually arises in respect to some manufacturing or trading firm or association, and where the public is liable to become victimized or deceived by purchasing property supposed to be manufactured by one person, or property supposed to belong to one person, who has established a reputation that gives the public confidence in the genuineness of the article in question.

All that reasoning, however, does not apply to the case in hand. We have here the question of the name and business of a library which loans or sells books to readers who desire a certain class of books. Whether the library is called by one name or another, or whether it is owned by the plaintiffs, or by the defendant in this case, can make no difference to those desiring to use it, for they receive what they bargain for in either event, and the books are not the product of the librarian.

I have examined some of the exhibits filed by the

president of the plaintiff corporations, in connection with her answer to the cross-bill of the defendant, Stokes, and I am struck with the fact appearing from those exhibits, that the work of the said corporations does not seem to be very carefully carried on, because in cross-defendant's exhibit No. 1, extracts from the minutes of the Oriental Esoteric Society are given, purporting to show the action of the trustees, in dismissing the defendant, Stokes, and another member, from the Board of Trustees, and from the Society. These meetings were held, or purported to have been held, on June 4, 1912, and July 16, 1912, and the minutes show that there was not a quorum present of the trustees, and that the action which they undertook, was the action of a minority of the trustees present, and by proxies from trustees who were absent.

It is a general proposition, that directors or trustees cannot delegate the performance of their discretionary duties which imply trust and confidence to a proxy, but that each director or trustee must attend the meetings of the board, and act in person.

The court does not feel called upon to adjudicate the sufficiency of this action purporting to be by the trustees of the said corporation, but only refers to it to show the uncertainty and the absolute impossibility for the court to reach a proper conclusion as to the merits of this case, with reference to the right of either party to the library in question, or to the use of the name by which the library is now known.

If the case was submitted now for final decree, the court would feel obliged to dismiss the bill and the cross-bill, for want of evidence of the right or title to the library, and to the name used.

If the hearing is confined to the rule to show cause why an injunction should not be granted, and a receiver appointed, and why the defendant should not turn over to the plaintiffs

their library business, and why he should not account to said plaintiffs for the moneys received by him, as their librarian, the court would be obliged to discharge the rule for the same reasons.

It is not clear that the defendant is or was the librarian of the plaintiffs, or either of them, or of the predecessor of the plaintiffs. The rule to show cause seems to have been worded broad enough to dispose of the case on its merits; but the only order that seems proper at this time, in the absence of stipulation, is that the rule to show cause be discharged; and such will be the order of the court.

Job Barnard,

Justice.

